

From: James Hamilton [REDACTED]
Sent: 22 February 2021 17:14
To: [REDACTED]
Subject: Revised chapters 4, 5 and 6. [UNSCANNED]

Hi [REDACTED]

This is my attempt to deal with the jigsaw problem.

Sorry for the delay- today's timetable went off the rails after the mechanic at the garage drove my car into a gate!

James

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4. Mr Aberdeen and [REDACTED] meetings [REDACTED]

4.1. There were meetings [REDACTED]

[REDACTED] Mr Geoffrey Aberdeen who had been Chief of Staff from 2011 to December 2014 during Mr Salmond's time as First Minister and who had left government service when Mr Salmond resigned as First Minister following the SNP's defeat in the independence referendum. The [REDACTED]

4.2. [REDACTED]

4.3. [REDACTED]

4.4. [REDACTED]

[REDACTED] in the light of the "me too" movement, the increased focus on issues of harassment and in particular historic harassment, and the creation of a new procedure in government to address such issues, [REDACTED] if there was anything of that nature, from his time as Chief of Staff [REDACTED] She says that the immediate impetus for her to do so was a change in a briefing for First Minister's Questions.

4.5. A colleague had mentioned to [REDACTED] in passing the previous week that the content of an official briefing provided for First Minister's Questions on the issue of sexual harassment had changed. Where the briefing had previously given a clear answer of "No" to the question of whether there had been any complaints about current or former ministers, and had stated that fewer than 5 cases of sexual harassment had been reported in the civil service the colleague had noticed that both of those statements had been removed, and a line about concerns having been raised and being considered in line with procedures was now the line that should be used. That line could have referred to either staff or ministers and did not state that an investigation was underway into a former minister or into Alex Salmond.

4.6. When questioned [REDACTED] accepted that [REDACTED] was aware at that time of growing rumours about Mr Salmond but says that [REDACTED] was not at that stage aware of actual complaints made against him. [REDACTED]

4.7. Whilst discussing “me too” in general, [REDACTED] asked Mr Aberdeen whether he was aware of anything [REDACTED] should be concerned about. According to [REDACTED] Mr Aberdeen had no knowledge in relation to any other minister or former minister, but referred in general terms to two alleged incidents involving Mr Salmond. One was not sexual in nature.

4.8. In relation to the incident that was sexual in nature [REDACTED] said that Mr Aberdeen gave [REDACTED] a general description of the incident which he presented to [REDACTED] as being in his view a minor incident, [REDACTED] says he named the person concerned. [REDACTED] says that he did not seem to think it was significant. [REDACTED]

4.9. The conversation about “me too” also referred to a 13 November 2017 allegation on Sky News that female staff at Edinburgh airport had expressed concern to airport managers about what they regarded as “inappropriate behaviour” which was not specified in the report. Mr Salmond was reported as “strongly denying” any wrongdoing and nothing more was ever heard of this matter. The alleged Edinburgh Airport incident is further discussed in Chapter 5 below. [REDACTED] referred to what [REDACTED] called “jungle drums” in the media about Mr Salmond ever since the “me too” movement became prominent in October 2017. [REDACTED] had apparently been approached on a number of occasions by reporters to ask if there had ever been complaints about ministers in general and Mr Salmond in particular.

4.10. According to [REDACTED], Mr Aberdeen suggested that Mr Salmond would not cope well with such allegations, but said he wasn’t aware of anything further, and that he and Mr Salmond weren’t really in touch that much anymore. There was no further discussion on the issue.

4.11. Mr Aberdeen in his account makes no mention of discussing any of these matters [REDACTED]. He states that any reference to Alex Salmond in that first discussion was in the context of media coverage, particularly concerning Alex Salmond's decision to host a show on Russian television around that time which was the subject of much controversy. It is agreed by [REDACTED] that this subject was indeed discussed at this meeting.

4.12. Mr Aberdeen, however, believes that the main purpose of [REDACTED]

4.13. [REDACTED]

4.14. [REDACTED]

[REDACTED] explains that [REDACTED] with increasing concerns that whether or not there was currently any investigation into Mr Salmond, it was possible there could be in the future as it was clear there could be something to investigate. [REDACTED]

4.15. [REDACTED] says that [REDACTED] indicated that [REDACTED] had reason to believe there might be a complaint and it could be about Mr Salmond. [REDACTED]

[REDACTED] says that Mr Aberdeen took [REDACTED] to mean that someone within government had told [REDACTED] of a complaint and began to name individuals who might have told [REDACTED]. He suggested that he would phone some contacts who had previously worked with him who would tell him if there was a complaint. [REDACTED] told him [REDACTED] did not know if there was a complaint and advised against making such calls as it seemed highly improper. If this is indeed what happened it would be hardly surprising that Mr Aberdeen misunderstood [REDACTED]

4.16. Mr Aberdeen has a very different recollection of this meeting. He states that it is his clear recollection that [REDACTED] informed him that the Scottish Government had received official complaints about Mr Salmond. He says that [REDACTED] told him that [REDACTED] did not know the full details of the complaints but that [REDACTED] did tell him there were two individual complainers and named one of them. [REDACTED]

4.17. If it were a simple matter of comparing the two accounts it would not be possible to be completely certain whose account is correct, although Mr Aberdeen's account is more straightforward than the rather complicated account given by [REDACTED]. It is difficult to see how there can have been a misunderstanding as to what was actually said despite [REDACTED] explanation of how [REDACTED] thinks that Mr Aberdeen misunderstood what [REDACTED] was saying.

4.18. However, whether it is the case that [REDACTED]

[REDACTED] There is no evidence to disprove this account.

4.19. [REDACTED]

[REDACTED] well aware that under the Procedure harassment complaints were required to be treated in confidence and the First Minister was required not to be involved in any way in dealing with such complaints. It seems to me unlikely that the First Minister would have welcomed being potentially compromised by having rumour or gossip about such a matter [REDACTED]

4.20. Mr Aberdeen states that it was [REDACTED]

[REDACTED]. Furthermore, what Mr Aberdeen later told Mr Salmond turned out in fact to be correct.

4.21. Mr Aberdeen contacted Mr Kevin Pringle and Mr [REDACTED] by telephone to inform them [REDACTED] about the complaints and to seek their advice about what he should do. They advised him to tell Mr Salmond. Mr Pringle has confirmed this account of what happened. Mr Hamilton declined to make a statement to me in view of his professional relationship with Mr Salmond. Mr Aberdeen then informed Mr Salmond by telephone of what [REDACTED] had told him. The fact that Mr Aberdeen informed these three individuals of the conversation shortly after it took place and that the information conveyed by him proved broadly correct tends to support his version.

4.21. So far as concerns the significance of the meetings between [REDACTED] and Mr Aberdein for the question of a breach of the Ministerial Code, if one accepts, as I do, that [REDACTED] provide no evidence of any breach of the Ministerial Code by her. The meetings do, however, show that there was gossip and rumour about Mr Salmond at that time.

5. When did the First Minister become aware that there were allegations against Mr Salmond?

5.1. The First Minister had been aware of the report on Sky News on 13 November 2017 referred to in paragraph 4.9 above. The report led to her having a “lingering concern” about Mr Salmond. She describes it in an interview with me in the following terms:

Round about the beginning of November 2017, just to put you in the picture, as you will recall this was at the time the whole world really was talking about the “me too” allegations, and, you know, organisations, governments, parliaments everywhere were trying to make sure they had the right processes in place. And this was around about the time we got a query from Sky News. By “we” I mean the SNP, not the Scottish Government, and that was about allegations that had been made by people at Edinburgh airport about conduct on the part of Alex Salmond.

At that point I spoke to Mr Salmond about it. You know as far as I was aware at that point we were about to see a story appear on Sky News. I spoke to him the morning after we got the press query. He seemed pretty shaken by it at that point and said he had to get to the bottom of what it was. I spoke to him again later that day when he appeared much more bullish. But the following day the Permanent Secretary had indicated to me that he had been, or his lawyers, or a bit of both, I’m not sure, had been contacting people in the Scottish Government effectively asking people that he had worked with or that might have been with him going through Edinburgh Airport to back him up and that that has caused a bit of, some disquiet on the part of those people who had been contacted. And she asked me to ask him to stop that, which I did, and he said he already had all the information he needed. So I suppose the two things that just left me with a lingering concern was the fact that- and I struggle really to go beyond what I’m about to say to you- that his contacting people in the Scottish Government had appeared to almost stir something, a hornet’s nest had been stirred kind of thing. That was the impression I got. And then he said something to me about, you know, you can’t have stories like this running because you get one and the flood gates will open kind of thing, which he immediately qualified and said “oh no, that’s not to say that I think there is anything there”. But it was just the combination of things left me with a “is there something that is about to come forward about Mr Salmond’s

behaviour?" It wasn't something I thought about every day, or worried me everyday, but it was there in the back of my mind, and that I suppose is the back drop to what unfolded at a later stage.

5.2. Nothing more seems to have been reported about the Edinburgh Airport incident subsequently. As already discussed the First Minister says she first became aware of the fact that complaints against Mr Salmond had been made at the meeting on 2 April discussed below. I am not aware of any evidence which would disprove her account.

6. The meeting on 29 March 2018

6.1. On 29 March 2018 there was a meeting between the First Minister and Geoff Aberdein, former Chief of Staff to Mr Salmond, which took place in the First Minister's office in the Scottish Parliament. [REDACTED]
[REDACTED]

6.2 The First Minister described in an interview with me the circumstances in which the meeting was held as follows:-

[REDACTED]

JH: and then was he brought into your office? Was this just a discussion in the corridor so to speak?

FM: No no, we had been outside, just I don't expect you to visualise my office in Parliament but there is you know outside my office is where civil servants, special advisors work, so the member of staff whose birthday it was, civil servant, incidentally, we were outside there doing the birthday cake, singing happy birthday and Geoff had asked for a word and we went in to my office. Again, just to be clear, that would not have been the first time since Geoff had left as Chief of Staff, after I became First Minister that he had been in the office for something and had stepped in to my room for a chat. We were friends, you know, we are friends. And so he stepped into my room. From memory, I don't think was a particularly long conversation but it took place in my office.

JH: And did he give you any details at that stage about what it was about?

FM: Not, and this is where, so a combination of what I remember about this meeting and then what actually happened at my house on 2 April which we will come on to, make me very firm to the best of my recollection. Remember, this 29 March meeting had never been a significant event in my mind. To the best of my recollection no he did not give me details, it was very much he wanted to get me to agree to see to see Alec. Alec and I were very close but we hadn't been speaking as much as normal, you know I was First Minister, he was off doing other things, he had lost his seat. He wanted me to see Alec and agree to a meeting. He was telling me that he was very worried about Alec, a lot of the discussion was about Alec's state of mind. You know he seemed to be indicating that he had never heard Alec be quite so upset about anything previously, that he was very distressed, that he thought he might be about to resign his SNP membership because of the nature of the issue he was upset about. I do believe that I, partly down to what he was telling me, partly down to the Sky lingering concerns, that it was in the realms of a potential concern or complaint about sexual misconduct. But, you know in my mind, and this was not unusual; Alec and I have worked incredibly closely for a long time, if I was being told he wanted to tell me something, in my mind I would have had to see him and hear what he wanted to tell me. That's basically, I had a general sense that it was something serious, something in the realms of a sexual complaint potentially, and he was very upset about it but I agreed, we didn't set the date of the meeting with Alec at that point, [REDACTED]. But I was very clear, I was agreeing to see Alec as a friend, I was being told he was in a state of considerable distress, but also as the leader of the SNP, I was being led to believe he was on verge of resigning his membership of the party.

6.3. Mr Aberdein agrees that the initiative for this first meeting came from his making an approach on behalf of Mr Salmond. Mr Aberdein attended the Scottish Parliament on 29 March, joining celebrations for the sixtieth birthday of a colleague. The First Minister also briefly joined the party [REDACTED] they stepped into the First Minister's office to discuss Mr Aberdein's concerns. During the conversation Mr Aberdein again raised the incident which [REDACTED] though his main pupose at the meeting was to persuade the First Minister to meet Mr Salmond. She does not believe the discussion took longer than ten minutes, though Mr Aberdein was in parliament for a longer period, socialising with former colleagues. The meeting on 2 April resulted from that short conversation.

6.5. Sometime following a call to Mr Salmond early in March Mr Salmond intimated to Mr Aberdein that he would like to have a meeting with the First Minister in person to set out his concerns about the Scottish Government's handling of the complaints. Mr Aberdein cannot be precisely certain when and how this was arranged but [REDACTED]

6.6. Thereafter, he believes he may have met [REDACTED]

6.7. Mr Salmond's account of how the first meeting came about is that he was contacted by phone on or around 9 March 2018 and again the following week by Geoff Aberdein, his former Chief of Staff. The purpose of the contact was to tell Mr Salmond [REDACTED]

6.8. Mr Aberdein said that [REDACTED] had informed him that [REDACTED] was aware of two complaints concerning Mr Salmond under a new complaints process introduced to include former Ministers. [REDACTED] named one of the complainers to him. [REDACTED]

6.9. On receipt of the letter from the Permanent Secretary first informing Mr Salmond of complaints on 7 March 2018 he had secured Levy and McRae as his solicitors and Duncan Hamilton, Advocate and Ronnie Clancy QC as his counsel.

6.10. Mr Salmond and his legal advisers then identified what they considered to be a range of serious deficiencies in the Procedure. There was no public or parliamentary record of it ever having been adopted. In addition they believed that it contained many elements of procedural unfairness and substantive illegality. In their opinion there was an obvious and immediate question over the extent to which the Scottish Government even had jurisdiction to consider the complaints. In relation to former Ministers (in contrast to current Ministers) the Procedure offered no opportunity for mediation. The previous complaints procedure with which Mr Salmond had been familiar ('Fairness at Work') was based on the legislative foundation of the Ministerial Code in which the First Minister was the final decision maker. He wished to bring all of these matters to the attention of the First Minister. He did not know at that stage the degree of knowledge and involvement in the policy on the part of [REDACTED] the First Minister [REDACTED].

6.11. [REDACTED]

From: James Hamilton [REDACTED]
Sent: 22 February 2021 17:24
To: [REDACTED]@gov.scot>
Subject: Re: Various documents [UNSCANNED]

Thanks!

James

On Mon, 22 Feb 2021 at 13:38, [REDACTED]@gov.scot> wrote:

Hi James,

As discussed, please see collated documents as discussed this morning. I will prepare an updated version of the catalogue of written evidence but in the meantime please see attached:

- catalogue of written submissions as sent in December
- statement from [REDACTED] from October
- supporting documents for those submissions
- court transcript
- follow up submission from [REDACTED] from January
- [REDACTED] response to supplementary questions post interview
- note from last week on contempt issues.

Best wishes,

[REDACTED]

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From: Douglas Ross [REDACTED]
Sent: 22 February 2021 21:33
To: [REDACTED]@gov.scot>
Subject: RE: Compliance with court orders [UNSCANNED]

Dear [REDACTED]

Thanks for this. I look forward to receiving the [REDACTED] in due course, but please don't rush to get it to me first thing tomorrow. I am fighting on a number of fronts at the moment. The Ministerial Referral is, unfortunately, not the only matter in which I am involved in which there have been unanticipated developments! I am dealing with urgent issues in a couple of cases in which I have been instructed for a long time and hence cannot avoid. In [REDACTED] [REDACTED] I will, of course, turn my attention back to the Ministerial Referral just as soon as I possibly can. However, as matters stand, that looks like being Wednesday at the earliest, and possibly – depending on these other issues - Thursday or even Friday.

My apologies for any inconvenience that may cause, but it's better that I give you and Mr Hamilton a realistic estimate so that you can plan accordingly.

Happy to discuss any matters arising.

Regards

Douglas

Douglas Ross QC Ampersand Advocates

phone: [REDACTED]

web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



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From: [REDACTED]@gov.scot>
Sent: 22 February 2021 16:07
To: Douglas Ross [REDACTED]
Subject: RE: Compliance with court orders [UNSCANNED]

Dear Douglas,

As discussed, please see attached submission and supporting documents [REDACTED] plus a follow up submission. Two of these are password protected with the usual password.

I will put together the [REDACTED] and send it over, hopefully first thing tomorrow.

Best wishes,

[REDACTED]

From: Douglas Ross [REDACTED]
Sent: 22 February 2021 14:10
To: [REDACTED]@gov.scot>
Subject: RE: Compliance with court orders

Dear [REDACTED]

Thanks for this.

Please do send me [REDACTED] statement. I will take you up on your kind offer of a [REDACTED]
[REDACTED] of meetings within the scope of the remit. That could be very useful.

Regards

Douglas

From: [REDACTED]@gov.scot <[REDACTED]@gov.scot>
Sent: 22 February 2021 13:09
To: Douglas Ross [REDACTED]
Subject: RE: Compliance with court orders

Dear Douglas,

Further to my email last week, please see response to your questions.

Mr Hamilton has suggested that I send you [REDACTED] submissions, which I will do in a separate email. If it would be helpful, I could prepare a [REDACTED] of meetings within the scope of the remit that might help supplement the information sent last week?

Happy to discuss.

Best wishes,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 19 February 2021 10:08
To: 'Douglas Ross' [REDACTED]
Subject: RE: Compliance with court orders

Dear Douglas,

Many thanks for this advice, I have forwarded your email to Mr Hamilton. [REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: Douglas Ross [REDACTED]
Sent: 18 February 2021 21:27
To: [REDACTED]@gov.scot>
Subject: RE: Compliance with court orders

Dear [REDACTED]

I was on the point of sending you a lengthy e-mail when your e-mail below came in. [REDACTED]
[REDACTED]. I had, naturally, not anticipated this development and am committed to spending most of tomorrow (and probably a good deal of the weekend) on two other matters with urgent deadlines. While I will return to working on the Ministerial Referral ASAP, I'm afraid that it is likely to be next week before I am able to spend much time on it. In the meantime, I set out below a shorter version of the e-mail I had been about to send with preliminary observations and queries in relation to the matters on which you have sought my advice.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Happy to discuss any matters arising.

Regards

Douglas

Douglas Ross QC Ampersand Advocates

phone: [REDACTED]

web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



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From: [REDACTED] <[REDACTED]@gov.scot>

Sent: 18 February 2021 18:35

To: Douglas Ross [REDACTED]

Subject: Compliance with court orders

Hi Douglas,

Hope you are well.

I know you're looking at some of these issues at the moment and will have much more detail on this, but wanted to bring you up to speed on something we have received today. I've deliberately avoided detail of names etc. in case this causes any issues, but would be happy to discuss over the phone if that would be helpful.

[REDACTED]

[REDACTED]

Happy to discuss.

Best wishes,



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From: [REDACTED]
Sent: 22 February 2021 15:29
To: 'Douglas Ross' <douglas.ross@advocates.org.uk>
Subject: RE: [REDACTED]

Dear Douglas,

As discussed, [REDACTED]
[REDACTED]
[REDACTED]

Best wishes,
[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>
Sent: 22 February 2021 14:10
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: RE: [REDACTED]

Dear [REDACTED]

Thanks for this.

[REDACTED] That could be
very useful.

Regards

Douglas

From: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Sent: 22 February 2021 13:09
To: Douglas Ross <douglas.ross@advocates.org.uk>
Subject: RE: [REDACTED]

Dear Douglas,

Further to my email last week, please see response to your questions.

[REDACTED]
[REDACTED]

Happy to discuss.

Best wishes,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]

Sent: 19 February 2021 10:08

To: 'Douglas Ross' <douglas.ross@advocates.org.uk>

Subject: RE: Compliance with court orders

Dear Douglas,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>

Sent: 18 February 2021 21:27

To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

Subject: RE: Compliance with court orders

[REDACTED]

[REDACTED]

[REDACTED]

[illegible]

[illegible]

[REDACTED]

Douglas
Douglas Ross QC Ampersand Advocates

phone: [REDACTED]
[REDACTED]@[REDACTED].com

Clerk: Alan Moffat

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



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From: [REDACTED]@gov.scot>

Sent: 18 February 2021 18:35

To: Douglas Ross <douglas.ross@advocates.org.uk>

Subject: Compliance with court orders

Hi Douglas,

Hope you are well.

[REDACTED]

[REDACTED]

Happy to discuss.

Best wishes,

[REDACTED]

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[REDACTED]

From: James Hamilton <[REDACTED]>
Sent: 23 February 2021 16:57
To: [REDACTED]@gov.scot>
Subject: Re: Mr Salmond's email

Hi [REDACTED]

I still don't have a timetable for Monday and Tuesday's meetings as the Montenegrin authorities have not yet provided one but the Venice Commission say they can do without me for some of the time if necessary. I am pretty sure the meetings will not fill the day. [REDACTED]

I can certainly be available on Saturday or Sunday if necessary or if that would work better. I am strictly a non-observant Sabbatarian.

Yours for Scotland and Montenegro!

J

On Tue, 23 Feb 2021 at 16:45, <[REDACTED]@gov.scot> wrote:
Hi James,

I think there must be something odd in that email that means it won't display properly but I'm not sure what it is. Looking back at the Mr Salmond email I think the images are just screen grabs to effectively act as footnotes for what he says are included in other documents, rather than substantive additions in their own right. I've copied the text of the email as plain text below.

Mr Salmond hasn't responded re times for a discussion- I think he is deep in discussions re tomorrow's Committee appearance, which I guess will now not go ahead. I will send a polite chasing email tomorrow morning to check if/when he wants to meet. If early next week is a problem, would it be ok to suggest a time over the weekend?

Best wishes,

[REDACTED]

Further to your letter of 9th February and my reply of the 11th, I have had the opportunity to consult my records and am now in a position to answer your follow up questions.

Mr Aberdein did phone me on the 9th of March 2018 and gave me an outline of [REDACTED] It was very much a brief and one way conversation as I was travelling in a car with other people.

We arranged to speak again a few days later (I believe the 14th of March) with further information when we were able to discuss in private [REDACTED] discuss what was to be done. I have no doubt that Mr Aberdein told me that [REDACTED] there were two complaints being investigated, that one was regarded as a significant complaint and one not, and that he named one of the complainants. He said [REDACTED] I cannot be absolutely certain that Mr Aberdein imparted the specific information on the name of one of the complainants in our first or second conversations but I am 100 per cent certain that he did so in one of these two conversations and that this was the first time that anyone had done so.

At that time I had received a letter from Ms Evans on the 7th March 2018. This outlined purported incidents but not the names of the complainants. Identifying these was difficult because as it transpired every single date or location (where one was given) turned out to be incorrect. I enclose as Appendix A, a passage from one of my solicitors' letters to Ms Evans of 20th July 2018. This specifies the difficulties which were placed in our way in knowing of what I was being accused and by whom. The full letter is published on the SGHHC website. I recognised the name given to me by Mr Aberdein but was not able to identify the name of the second complainant until some weeks after these conversations when I obtained a photographic record of a public event in question.

I have already given you permission to speak to my legal representatives to corroborate my account of the First Minister's later conversation with me in July 2018. This also applies to the information given to me by Geoff Aberdein in March as I know he had spoken to my advocate Duncan Hamilton at that time. I have, therefore, intimated to Mr Hamilton that in order to confirm factual events and recollections relevant to your investigations I am content that he provide answers to any questions you may have.

In my letter I mentioned to you that I had come across further information when preparing to give evidence to the parliamentary Committee. This concerns the pleadings made by Government in the Open Record of the Judicial Review in December 2018 (which said Record has been published on the SGHHC website as part of their Inquiry) which also contains the claim subsequently made to parliament that the first knowledge the First Minister had of complaints against me was in April 2018. I enclose these at Appendix B. As you will see the terms of this are quite specific and the First Minister was the "interested party" in the case and responsible for these pleadings to court. It says "she first became aware of the existence of an investigation into the petitioner's conduct in April 2018 when the petitioner made her so aware"

I know this not to be true and would further add that if indeed the First Minister had "forgotten" about the meeting in her office on March 29th 2018 only to be reminded of it shortly after her parliamentary statement of January 2019 (FM written evidence

Parliamentary Inquiry Annex A) then her proper course of action under the Ministerial Code was to correct the parliamentary record at the earliest opportunity, not 18 months later after a report on the 29th March meeting had appeared on Sky Television on Monday 27th July 2020. Instead over that period it was officially and publicly denied that there had been any such meeting covering this subject of complaints, including in response to the Sky report itself;

From: James Hamilton <[REDACTED]>
Sent: 23 February 2021 16:22
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Mr Salmond's email

Hi [REDACTED]

In order to read it I had to copy it and then paste it into my word processor.

When I tried to reply to you at the bottom of his email my message just packed up halfway through.

I do not know what is going on.

Do we know if he wants to talk to me or not.

I have some sympathy for the complaints in one of his attachments but I can neither copy nor print it. It seems to have been scanned.

HELP!!!!!!!!!!

J

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From: James Hamilton <[REDACTED]>
Sent: 24 February 2021 15:52
To: [REDACTED]@gov.scot>
Subject: Re: Mr Salmond's email

Hi [REDACTED]

Can't reply now as I have a Zoom call.

I might just leave this until the morning. I have just read AS's full submission to the Scottish Parliament which was the second link you sent. It is very strong stuff.

James

On Wed, 24 Feb 2021 at 15:42, <[REDACTED]@gov.scot> wrote:
Hi James,

Apologies, I had missed that! Would you like me to draft something to him explaining that and asking if he has anything he would now wish to provide as a written submission?

Best wishes,

[REDACTED]

From: James Hamilton [REDACTED]>
Sent: 24 February 2021 15:13
To: [REDACTED]@gov.scot>
Subject: Fwd: Mr Salmond's email

Hi [REDACTED]

The consent to approach Duncan Hamilton is in this letter from Mr Salmond.

James

----- Forwarded message -----

From: <[REDACTED]@gov.scot>
Date: Tue, 23 Feb 2021 at 16:45
Subject: RE: Mr Salmond's email
To: [REDACTED]>

Hi James,

I think there must be something odd in that email that means it won't display properly but I'm not sure what it is. Looking back at the Mr Salmond email I think the images are just screen grabs to effectively act as footnotes for what he says are included in other documents, rather than substantive additions in their own right. I've copied the text of the email as plain text below.

Mr Salmond hasn't responded re times for a discussion- I think he is deep in discussions re tomorrow's Committee appearance, which I guess will now not go ahead. I will send a polite chasing email tomorrow morning to check if/when he wants to meet. If early next week is a problem, would it be ok to suggest a time over the weekend?

Best wishes,

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Mr Aberdein did phone me on the 9th of March 2018 and gave me an outline of [REDACTED] It was very much a brief and one way conversation as I was travelling in a car with other people.

We arranged to speak again a few days later (I believe the 14th of March) with further information when we were able to discuss in private what he had been told and discuss what was to be done. I have no doubt that Mr Aberdein told me [REDACTED] [REDACTED] was that there were two complaints being investigated, that one was regarded as a significant complaint and one not, and that he named one of the complainants. [REDACTED] [REDACTED] I cannot be absolutely certain that Mr Aberdein imparted the specific information on the name of one of the complainants in our first or second conversations but I am 100 per cent certain that he did so in one of these two conversations and that this was the first time that anyone had done so.

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recollections relevant to your investigations I am content that he provide answers to any questions you may have.

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I know this not to be true and would further add that if indeed the First Minister had "forgotten" about the meeting in her office on March 29th 2018 only to be reminded of it shortly after her parliamentary statement of January 2019 (FM written evidence Parliamentary Inquiry Annex A) then her proper course of action under the Ministerial Code was to correct the parliamentary record at the earliest opportunity, not 18 months later after a report on the 29th March meeting had appeared on Sky Television on Monday 27th July 2020. Instead over that period it was officially and publicly denied that there had been any such meeting covering this subject of complaints, including in response to the Sky report itself;

From: James Hamilton <[REDACTED]>
Sent: 23 February 2021 16:22
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: Mr Salmond's email

Hi [REDACTED]

In order to read it I had to copy it and then paste it into my word processor.

When I tried to reply to you at the bottom of his email my message just packed up halfway through.

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RE: Private - James Hamilton investigation under the Ministerial Code

From: [REDACTED] <[REDACTED]@gov.scot>
To: [REDACTED] <[REDACTED]@parliament.scot>
Date: Wed, 24 Feb 2021 10:50:37 +0000

Hi [REDACTED],

No worries at all, I was stalking twitter most of Monday evening and saw it pretty quickly. I'm grateful for the redactions of my contact details in the letters/emails, though thoroughly embarrassed that my proofreading of the date on letters is so poor!

Best wishes,

[REDACTED]

From: [REDACTED] <[REDACTED]@parliament.scot>
Sent: 24 February 2021 10:21
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

With many apologies [REDACTED] I omitted to tell you on Monday evening that the submission was published in full, I have not seen any media coverage in relation to the emails at all,

Kind regards

[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot> <[REDACTED]@gov.scot>
Sent: Monday, February 22, 2021 1:45 PM
To: [REDACTED] <[REDACTED]@parliament.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

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Dear [REDACTED],

Many thanks. Could you let me know when this is published?

Best wishes,

[REDACTED]

From: [REDACTED] <[REDACTED]@parliament.scot>
Sent: 22 February 2021 13:08
To: [REDACTED] <[REDACTED]@gov.scot>

Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Dear [REDACTED]

Here are the handling emails in question, details listed below,

Kind regards

[REDACTED]

- 6th October 2020 – Salmond to Hamilton
- 17th October 2020 – Salmond to Hamilton
- 29th October 2020 – Hamilton to Salmond
- 29th October 2020 emailed on 16th November – Hamilton to Salmond
- 23rd November 2020 – Salmond to Hamilton
- 4th December 2020 emailed 7th December 2020 – Hamilton to Salmond
- 19th December 2020 – Hamilton to Salmond
- 31st December 2020 – Salmond to Hamilton

From: [REDACTED] <[REDACTED]@gov.scot> <[REDACTED]@gov.scot>
Sent: Monday, February 22, 2021 9:27 AM
To: [REDACTED] <[REDACTED]@parliament.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

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Hi [REDACTED],

Many thanks for the heads up on this. I don't think we are aware of the specific emails that were included in that version of the submission, so would it be possible to give more detail on this?

Best wishes,

[REDACTED]

From: [REDACTED] <[REDACTED]@parliament.scot>
Sent: 22 February 2021 09:21
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Hi [REDACTED]

I hope you had a good weekend.

I am in touch on another matter this morning, we are moving towards publication of the submission from Alex Salmond to the ministerial code phase of the inquiry and I am aware this was also a submission to Mr Hamilton to inform his work.

As you are aware that submission includes emails to and from Mr Hamilton in the appendices and so I wanted to inform Mr Hamilton of the intention to publish these emails before doing so.

The submission may be published at the end of today at the earliest,

Kind regards

██████████

From: ██████████@gov.scot <██████████@gov.scot>
Sent: Friday, February 19, 2021 4:57 PM
To: ██████████ <██████████@parliament.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

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Hi ██████████,

I'm well, thanks, hope you are ok.

Mr Hamilton has asked that I pass on the following update:

Best wishes,

██████████

I am nearing the end of my investigation and intend to produce my final report as soon as possible. As noted in the PQ response setting out the details of my remit, if required, the report will be redacted to ensure compliance with the relevant court orders, and so there are various checks that need to take place on the report once drafted. To a large extent, the timescales of this are out of my hands. At this point I am unable to indicate an exact timescale within which these various stages of work will be completed.

I understand that, as is usual practice for Ministerial Code reports, the Scottish Government will co-ordinate the publication of the report.

From: [REDACTED] <[REDACTED]@parliament.scot>
Sent: 19 February 2021 12:06
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Hi [REDACTED]

I hope you are well, I was hoping you may have more specific timescales for the publication of James Hamilton's decision report on the self referral under the ministerial code?

A response on Monday or Tuesday would be much appreciated so I can update the Committee on Wednesday (I anticipate members will ask again then so I'd like to have the information to hand)

Kind regards

[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot> <[REDACTED]@gov.scot>
Sent: Monday, February 1, 2021 4:37 PM
To: [REDACTED] <[REDACTED]@parliament.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

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Hi [REDACTED],

No problem, before the election is definitely the intention at this point.

Best wishes,

[REDACTED]

From: [REDACTED] <[REDACTED]@parliament.scot>
Sent: 01 February 2021 14:56
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Thanks [REDACTED], just to confirm are you in a position to say before the election is the intention (I appreciate realistically that is feb / march due to purdah rules).

[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot> <[REDACTED]@gov.scot>
Sent: Monday, February 1, 2021 2:15 PM
To: [REDACTED] <[REDACTED]@parliament.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

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Hi [REDACTED],

Apologies, I have been sorting out various things relating to video interviews today.

I think the information I provided last week is all that can really go to the committee at this stage- Mr Hamilton is keen to progress things as soon as he can, but I couldn't offer a definite view on whether that means this month or next is more likely for publication.

Best wishes,

[REDACTED]

From: [REDACTED] <[REDACTED]@parliament.scot>
Sent: 01 February 2021 13:33
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Hi [REDACTED]

Hope you got some downtime over the weekend,

I am just putting together a briefing for the Convener for tomorrow's committee meeting – I can add on details in relation to James Hamilton's work and the associated timescales later today but just wanted to confirm at this stage that you will be able to provide a bit more detail on indicative timescales during the course of today?

Many thanks

[REDACTED]

From: [REDACTED]
Sent: Friday, January 29, 2021 11:18 AM
To: [REDACTED] <[REDACTED]@gov.scot> <[REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the

Ministerial Code
Sensitivity: Private

Thanks [REDACTED]

That is helpful general context thanks for putting that together,

Couple of further points, do you have a sense of whether Mr Hamilton considers February or March as a likely timescale for his report? And has he considered whether he can publish when purdah rules come into force (end march)?

The Committee I think assumes the report will be issued in the next month or two and if it is a possibility that that is not the case I would like to be able to inform them,

Perhaps you could come back to me on these specific points before the committee meets on Tuesday morning, so sometime on Monday?

Have a good weekend

[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot> <[REDACTED]@gov.scot>
Sent: Friday, January 29, 2021 11:11 AM
To: [REDACTED] <[REDACTED]@parliament.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

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Hi [REDACTED],

Thank you for your email.

As you know, Mr. Hamilton has sought written submissions from a range of participants.

Mr. Hamilton is also currently undertaking video interviews with some participants where he has additional questions he wishes to ask them.

Mr. Hamilton intends to complete his report as soon as possible, and is conscious that the Scottish Parliament election is scheduled to take place in early May 2021.

Mr Hamilton is aware that it is intended that his report will be published, and will take the necessary steps to ensure that his report is compliant with any relevant court orders.

I hope this information is helpful- please let me know if you have any other questions.

Best wishes,

[REDACTED]

From: [REDACTED] <[REDACTED]@parliament.scot>
Sent: 27 January 2021 11:51
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Many thanks [REDACTED], if I could have a response by say Friday lunchtime that would be really helpful,

Kind regards

[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot> <[REDACTED]@gov.scot>
Sent: Wednesday, January 27, 2021 11:46 AM
To: [REDACTED] <[REDACTED]@parliament.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

CAUTION: This e-mail originated from outside of The Scottish Parliament. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear [REDACTED],

I'm well thanks, hope everything is ok with you.

I have passed your email on to Mr Hamilton and we will get back to you shortly. Is there a specific time by which it would be useful to have a response?

Best wishes,

[REDACTED]

From: [REDACTED] <[REDACTED]@parliament.scot>
Sent: 27 January 2021 10:32
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Dear [REDACTED]

I hope you are well.

I clerk the SGHHC Committee and the Committee discussed Mr Hamilton's deliberations on the First Minister's self-referral under the Ministerial Code yesterday. The Committee would like to know what the estimated date is for Mr Hamilton to reach a decision. If you are unable to provide a date, an accurate a timeframe for this decision and the associated publication of his report would be much appreciated. I am aware he received Mr Salmond's submission just before New Year and that he has sought and received statements for others. Will there be a stage where he interviews relevant people? I assume this will impact on the timing of his report. In addition, I assume his report will be published as is standard practice? I appreciate there will be substantiating evidence that may not be able to be published given the subject matter and relevant legal obligations that must be complied with.

An indication as to when the decision and associated report will be available would be very much appreciated as soon as you are able,

Kind regards

[REDACTED]

Clerk
SGHHC Committee

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From: [REDACTED]
Sent: 23 February 2021 09:53
To: [REDACTED]@gov.scot>
Subject: FW: question
Sensitivity: Confidential

Hi [REDACTED]

I wondered if we would be able to have a quick word about offering an indemnity to the independent advisor on the ministerial code? I've set out the emails between myself and SGLD agreeing what the approach might be from a legal perspective.

This is fairly urgent and I would like to get this sorted this week if I can.

Best wishes,

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From: [REDACTED]@gov.scot>

Sent: 23 February 2021 09:53

To: [REDACTED]@gov.scot>

Subject: FW: question

Sensitivity: Confidential

Hi [REDACTED]

I wondered if we would be able to have a quick word about offering an indemnity to the independent advisor on the ministerial code? I've set out the emails between myself and SGLD agreeing what the approach might be from a legal perspective.

This is fairly urgent and I would like to get this sorted this week if I can.

Best wishes,

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FW: Hamilton inquit - Daily Mail

From: [REDACTED] <[REDACTED]@gov.scot>
To: [REDACTED]@dailymail.co.uk
Date: Thu, 25 Feb 2021 17:10:26 +0000

Dear [REDACTED],

Thank you for your email. SG communications team have passed your email to me, as I am acting as Secretariat to Mr Hamilton for his work on this matter.

Mr Hamilton does not propose to make any public comment pending the issuing of his report.

Please let me know if you have any further questions.

Best wishes,

[REDACTED] [REDACTED]

From: [REDACTED] <[REDACTED]@dailymail.co.uk>
Sent: 25 February 2021 14:15
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Hamilton inquit

Hi [REDACTED],

I understand Alex Salmond hasn't yet spoken to James Hamilton. Why is that? And has he spoken to him at all?

Is this part of the evidence gathering process?

Is James Hamilton speaking to everyone he receives evidence from/can we find out how many people he has spoken to?

It would be great if you could get back to me on this.

Kindest,

[REDACTED]

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Re: FW: Correspondence from Mr Hamilton [UNSCANNED]

From: James Hamilton <[REDACTED]@[REDACTED]>
To: [REDACTED] <[REDACTED]@gov.scot>
Date: Thu, 25 Feb 2021 13:19:26 +0000

Hi [REDACTED]

I totally forgot that I am doing video-conferencing with Montenegro on Monday and Tuesday! But the Venice Commission know I have other things on and will release me as necessary.

As a result Tuesday is probably better for me than Monday. I still don't have a timetable but hope to have it today or tomorrow at the latest.

I will come back to you when I have further information but we might tentatively work towards Tuesday.

Best wishes

James

On Thu, 25 Feb 2021 at 12:36, <[REDACTED].[REDACTED]@gov.scot> wrote:

Email from Mr Salmond re timings for a discussion.

From: Alex Salmond [REDACTED]
Sent: 25 February 2021 11:04
To: [REDACTED] <[REDACTED].[REDACTED]@gov.scot>
Subject: Re: Correspondence from Mr Hamilton [UNSCANNED]

Dear [REDACTED]

Yes they have! Would Tuesday next week be of use to Mr Hamilton. Unfortunately I am filming on Monday but let me know. It is possible I could find a gap late afternoon/early evening on Monday if we can agree a time with a just a wee bit of flexibility.

Best Wishes

Alex Salmond

Sent from my iPad

On 25 Feb 2021, at 10:19, [REDACTED]@gov.scot wrote:

Dear Mr Salmond,

With apologies for contacting you again, as I understand that your plans for this week have changed for reasons beyond your control, I just wanted to check if you were able to provide any update on your availability early next week for a discussion with Mr Hamilton? Mr Hamilton would also be happy to arrange a call over the weekend if that would work for you.

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 22 February 2021 11:25
To: 'Alex Salmond' [REDACTED]
Subject: RE: Correspondence from Mr Hamilton [UNSCANNED]

Dear Mr Salmond,

Many thanks for your email. I have now had an opportunity to discuss this with Mr Hamilton.

Mr Hamilton is available on Friday afternoon from 3.30 pm onwards, but would also be free on Monday 1 March if you are available then? Whilst Mr Hamilton is keen to meet as soon as can be arranged, he is also aware that you may be giving evidence to the Parliamentary Committee this week and would ideally like to watch and consider your evidence to the Committee before he discusses things with you.

In terms of the practical arrangements, we have been using Cisco Webex for video calls. As well as Mr Hamilton, a member of the secretariat would

attend the call to take notes and provide technical support if needed. In order for an accurate record of the conversation to be produced, the call would be recorded using the in-app recording function, and then transcribed. Once the transcript is agreed by attendees, the video would then be destroyed. I can send through more detailed information on this, but wanted to check if you were content with these general arrangements.

Happy to discuss.

Best wishes,

[REDACTED]

[REDACTED] | Secretariat to the Independent Advisor under the Ministerial Code |
Please contact me on Skype or on [REDACTED].

From: Alex Salmond [REDACTED]
Sent: 20 February 2021 01:54
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Correspondence from Mr Hamilton [UNSCANNED]

Dear [REDACTED]

Happens to me all the time.

Looking at the terms of Mr Hamilton's letter could you also confirm to him that I would like to speak with him by video on my evidence. If it were suitable for Mr Hamilton I would be free on Friday next, 26th February.

Yours for Scotland

ALEX SALMOND

Sent from my iPad

On 19 Feb 2021, at 19:23, [REDACTED]@gov.scot wrote:

Dear Mr Salmond,

Apologies, I hadn't seen anything come in earlier. I have now checked the obvious things that could have gone wrong, and found that for some bizarre reason your email had gone into my junk mail folder despite our previous correspondence.

Please accept my apologies for this- I will forward your email from this morning to Mr Hamilton now.

Best wishes,

[REDACTED]

From: Alex Salmond [REDACTED]
Sent: 19 February 2021 17:24
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Correspondence from Mr Hamilton [UNSCANNED]

Dear [REDACTED]

Has this letter crossed with my email?

I sent the answers this morning with a note and two appendices. Could you let me know you have received everything.

Best Wishes

Alex Salmond

Sent from my iPad

On 19 Feb 2021, at 17:18, [REDACTED] <[REDACTED]@gov.scot> wrote:

Dear Mr Salmond,

Please see attached correspondence from Mr Hamilton.

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 12 February 2021 12:40
To: 'Alex Salmond' <alex@alexsalmond.scot>
Subject: RE: Correspondence from Mr Hamilton

Dear Mr Salmond,

Thank you for your response. I have passed this to Mr Hamilton, who is happy that you provide written statements to the supplementary questions. However, if you would like to discuss matters Mr Hamilton would also be happy to arrange a video interview.

Best wishes,

[REDACTED]

From: Alex Salmond <alex@alexsalmond.scot>
Sent: 11 February 2021 09:56
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Correspondence from Mr Hamilton

Dear [REDACTED]

Thank you for your note. I enclose a reply to Mr Hamilton.

Best Wishes

Alex Salmond

Mr James Hamilton
Independent Adviser on the Scottish Ministerial Code

11th February 2021

Dear Mr Hamilton

Thank you for your letter of 9th February.

If I may I shall reply within a few days when I have the opportunity to consult my notes. In addition, in preparing evidence for the Parliamentary Inquiry, I have come across some further documentary corroboration for points which I have already made.

I will be happy to send you this material along with the answers to your questions and provide a video interview as well if required.

Yours for Scotland

Rt Hon Alex Salmond

Sent from my iPad

On 9 Feb 2021, at 17:03, [REDACTED]@gov.scot wrote:

Dear Mr Salmond,

Please see attached correspondence from Mr Hamilton.

Best wishes,

[REDACTED]

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<Salmond letter Feb 19 2021.docx>

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From: [REDACTED]@gov.scot>

Sent: 23 February 2021 09:53

To: [REDACTED]

Subject: FW: question

Sensitivity: Confidential

Hi [REDACTED]

I wondered if we would be able to have a quick word about offering an indemnity to the independent advisor on the ministerial code? I've set out the emails between myself and SGLD agreeing what the approach might be from a legal perspective.

This is fairly urgent and I would like to get this sorted this week if I can.

Best wishes,

[REDACTED]

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From: [REDACTED]
Sent: 26 February 2021 10:28
To: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>
Subject: RE: question
Sensitivity: Confidential

Slightly updated version attached, to sort out the copy list.

From: [REDACTED]
Sent: 25 February 2021 16:50
To: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>
Subject: FW: question
Sensitivity: Confidential

Hi David,

Please see attached draft submission on an indemnity for Mr Hamilton.

Could you take a look, and if content send to DFM for clearance? To keep the secretariat/sponsorship thing distinct I have put the submission in your name.

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 25 February 2021 08:36
To: [REDACTED]
Cc: [REDACTED] Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; [REDACTED]

Subject: RE: question
Sensitivity: Confidential

Hi [REDACTED]

Thanks for sending on. I wonder if we should add to convey the expectation that risk in this case is low, and the likelihood of a liability emerging remote.

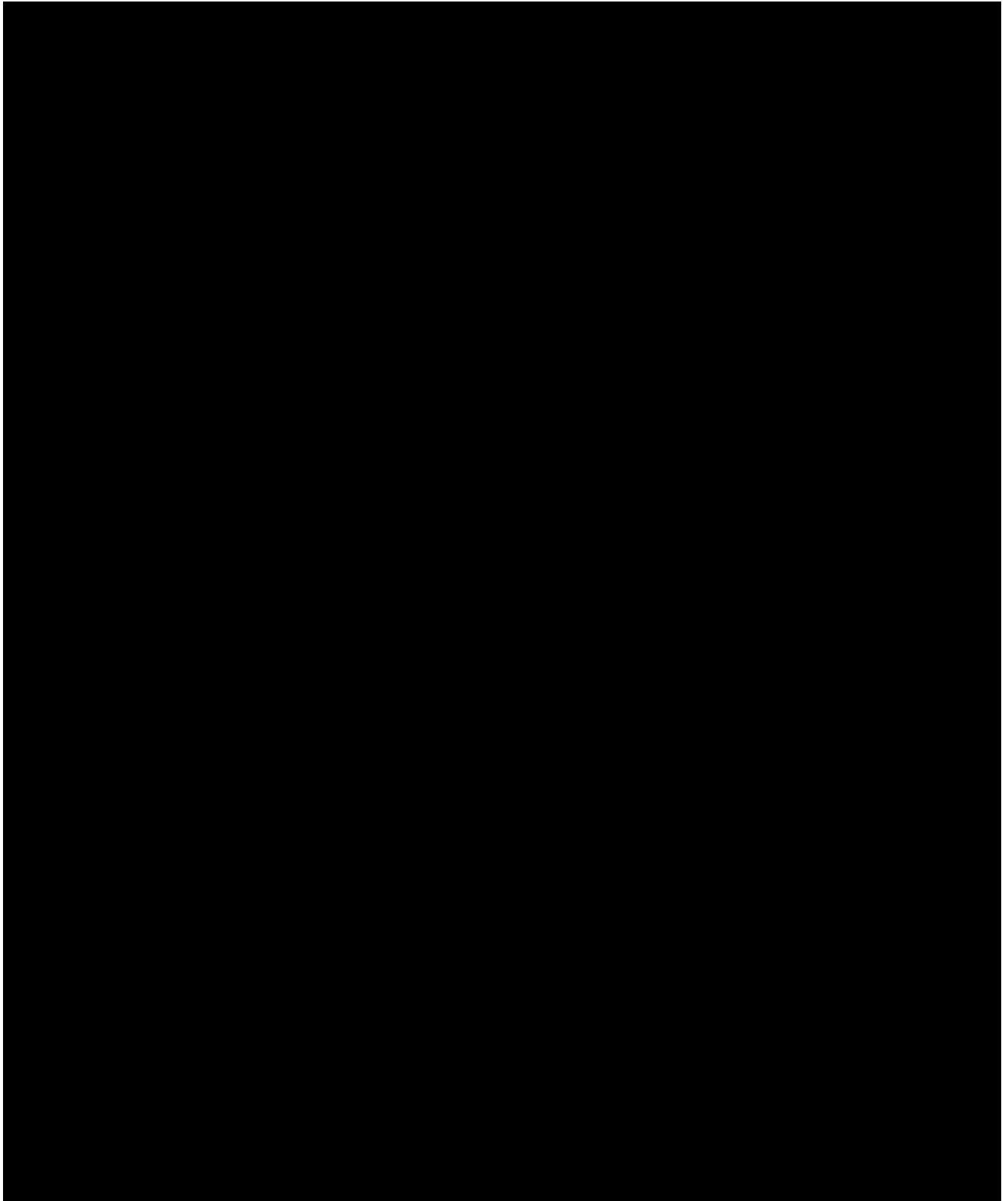
I note a small typo at the bottom of para 4, but other than that content my side.

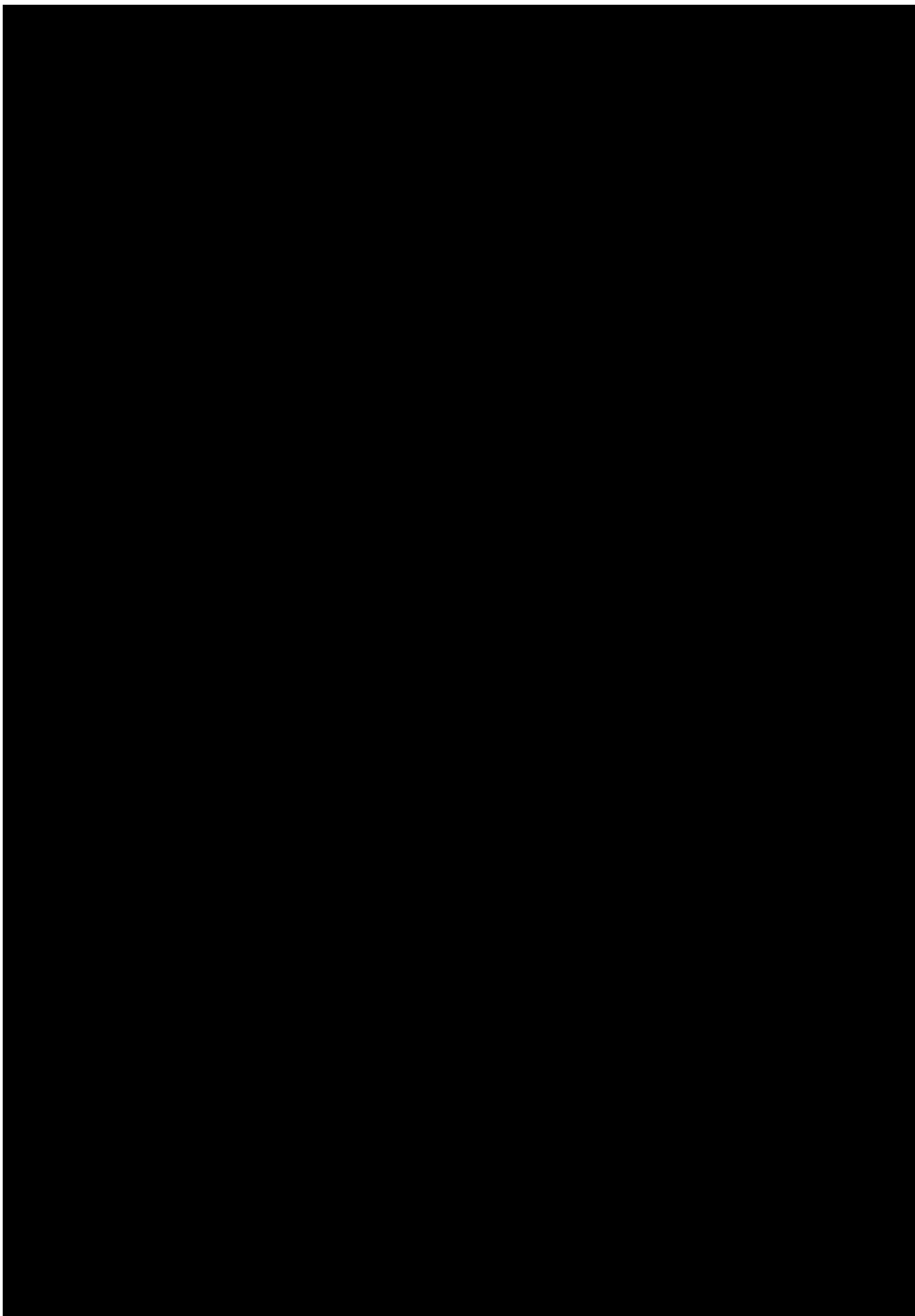
Given the financial element, I wonder if this should go to Ms Forbes as well. [REDACTED] – what do you think?

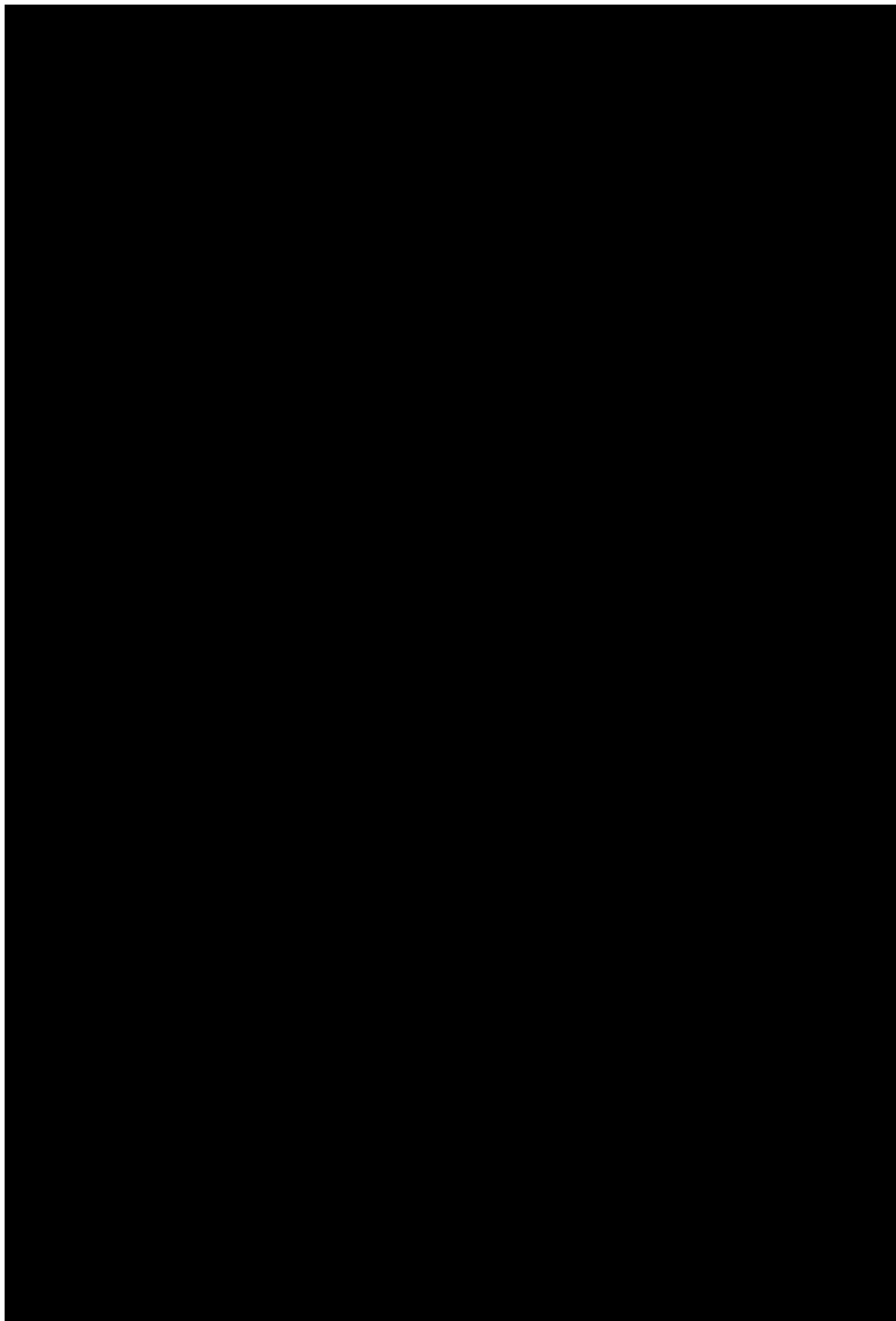
Thanks

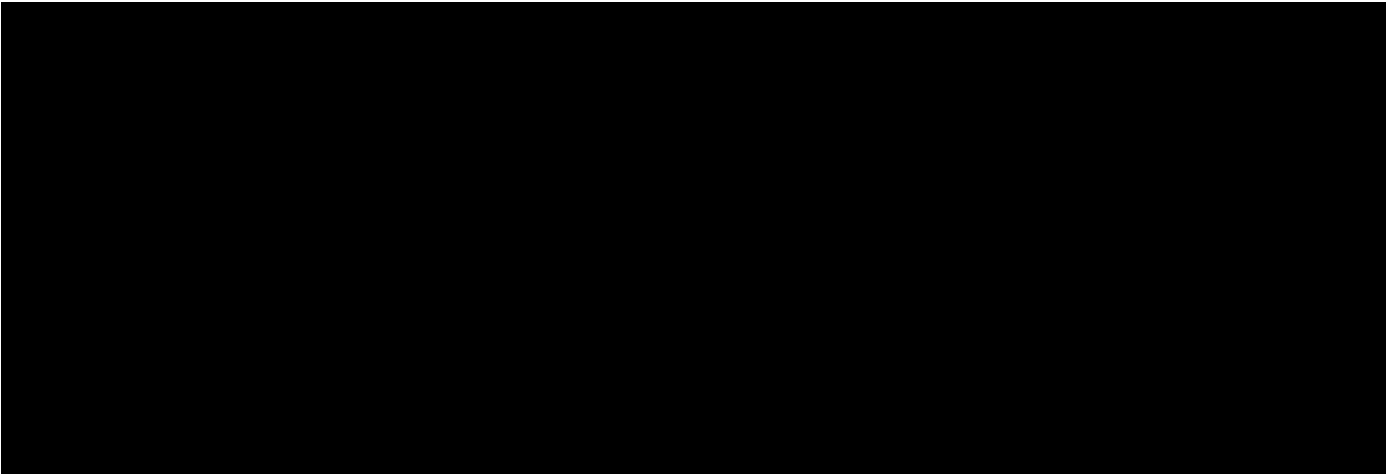


[Redacted] | Financial Programme Management | Scottish
Government | Victoria Quay | Edinburgh EH6 6QQ









From: [REDACTED]

Sent: 23 February 2021 09:53

To: [REDACTED]

Subject: FW: question

Sensitivity: Confidential

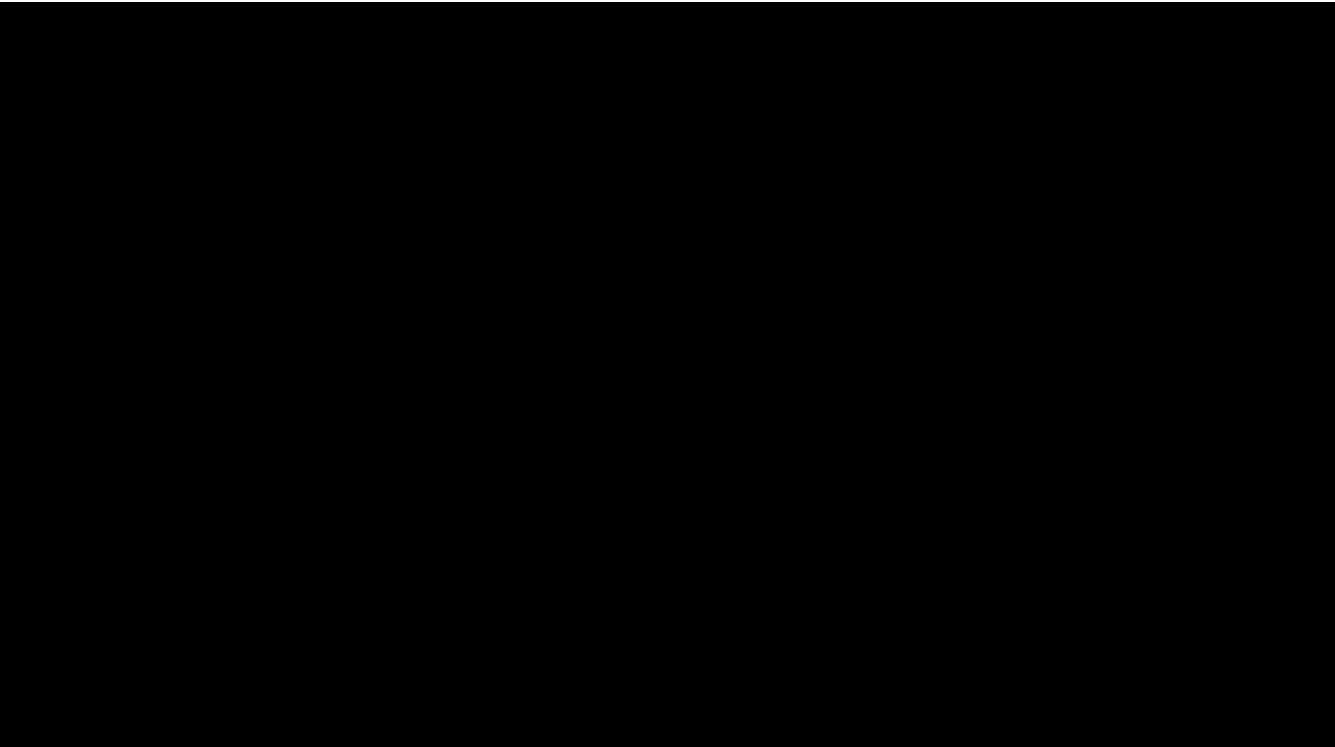
Hi [REDACTED]

I wondered if we would be able to have a quick word about offering an indemnity to the independent advisor on the ministerial code? I've set out the emails between myself and SGLD agreeing what the approach might be from a legal perspective.

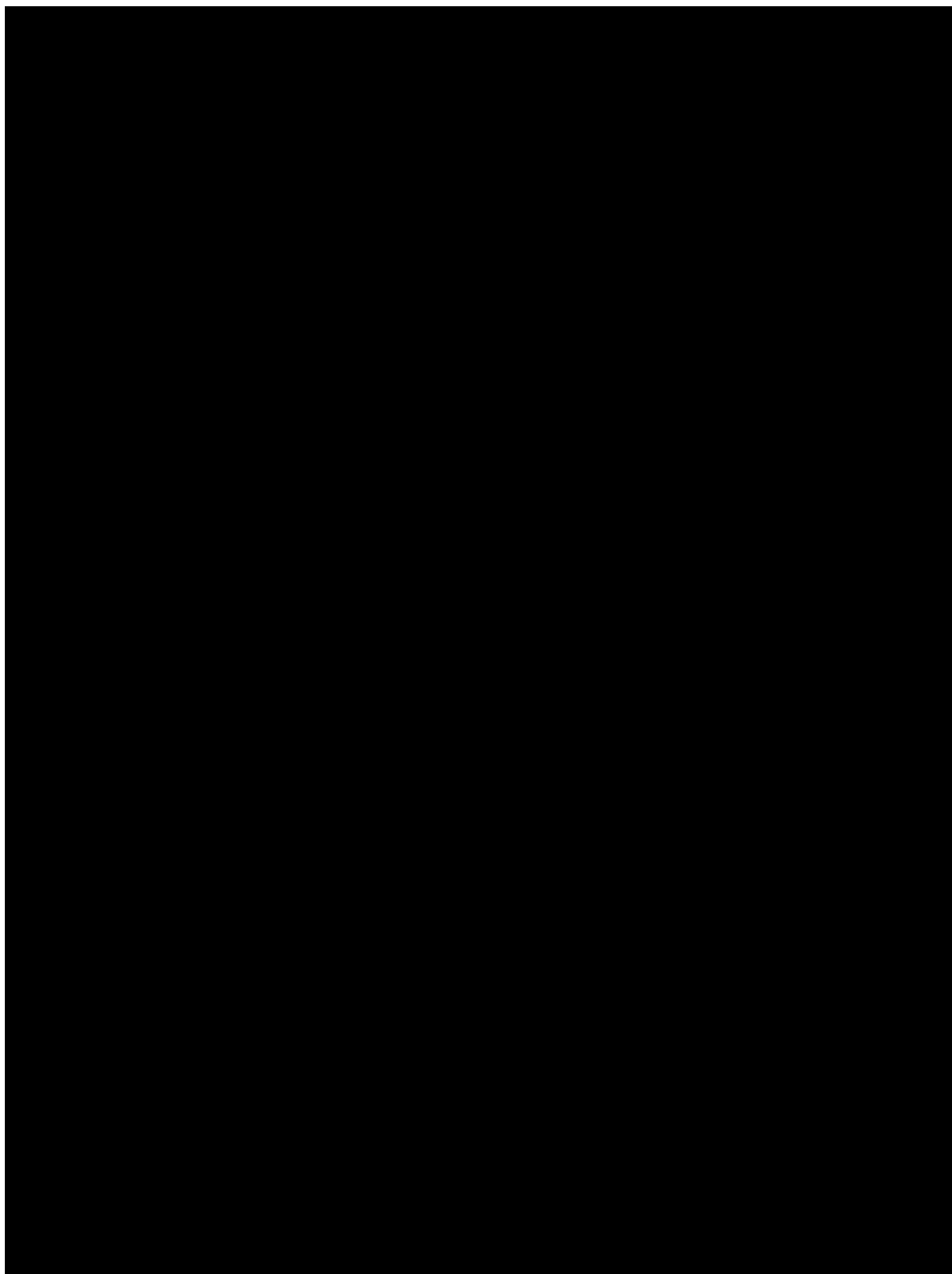
This is fairly urgent and I would like to get this sorted this week if I can.

Best wishes,

[REDACTED]

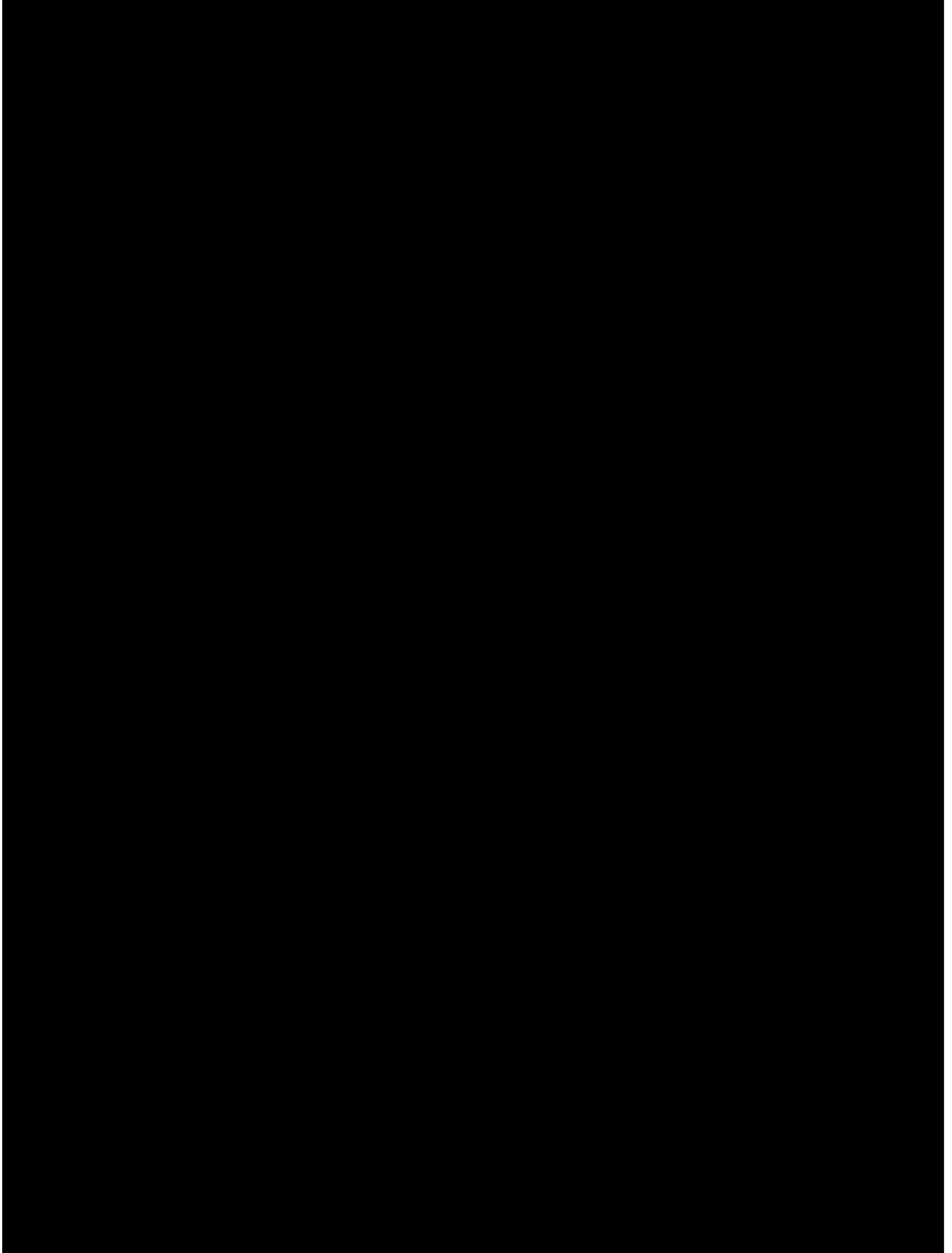


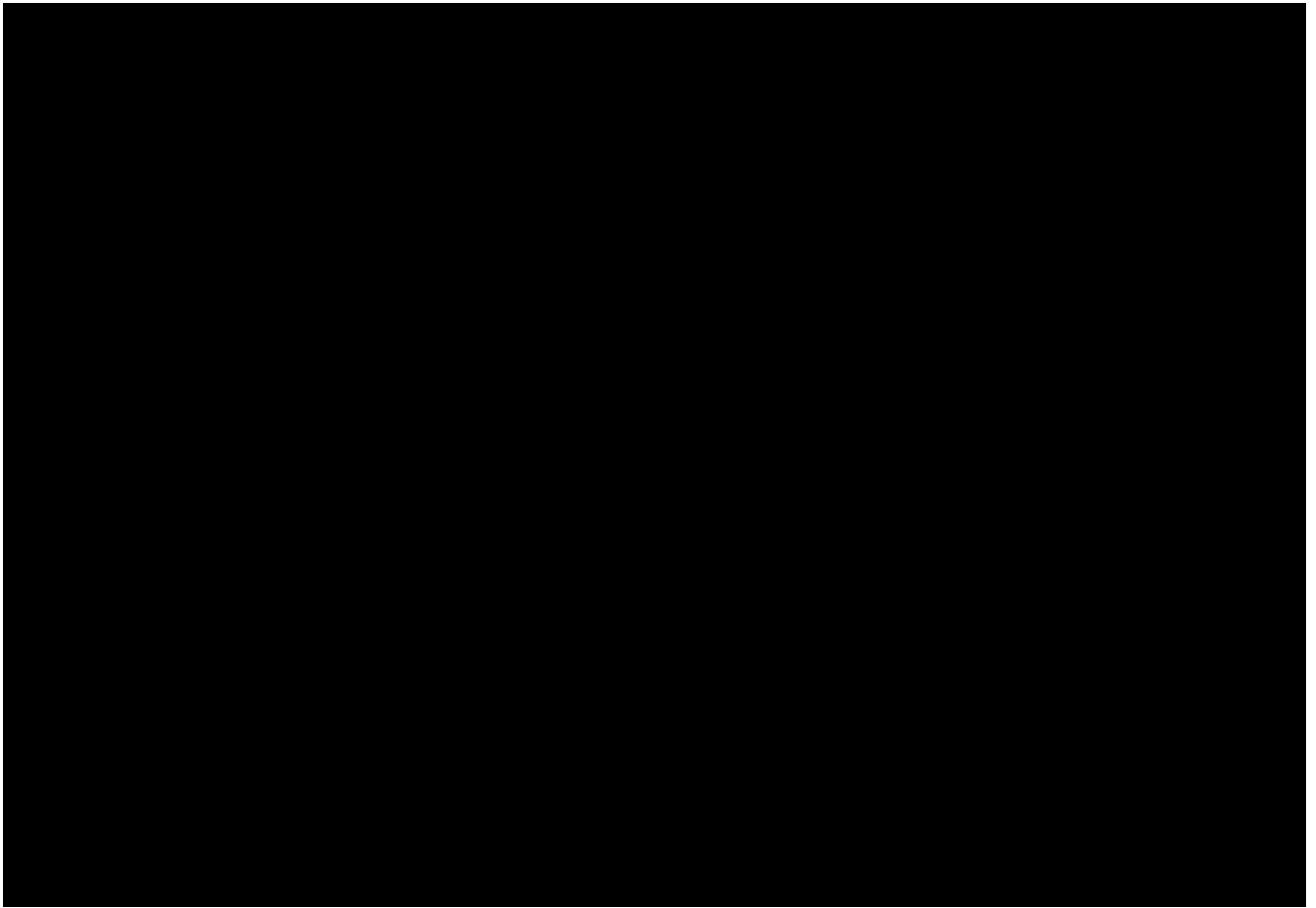
The first part of the paper discusses the importance of understanding the cultural context of the research. It highlights the need for researchers to be sensitive to the values and beliefs of the communities they are studying. This is particularly important in the field of education, where cultural differences can significantly impact learning outcomes. The paper then moves on to discuss the challenges of conducting research in culturally diverse settings. It notes that researchers often face difficulties in establishing rapport with participants and in interpreting their responses. To address these challenges, the paper suggests several strategies, including the use of local informants and the development of culturally appropriate research instruments. The final part of the paper discusses the importance of ethical considerations in cross-cultural research. It emphasizes the need for researchers to obtain informed consent from participants and to ensure that their research does not cause harm to the communities they are studying.



David Rogers
February 2021

Deputy First Minister





David Rogers
February 2021

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FW: Correspondence from Mr Hamilton [UNSCANNED]

From: [REDACTED] <[REDACTED]@gov.scot>
To: James Hamilton <[REDACTED]@[REDACTED]>
Date: Sat, 27 Feb 2021 11:02:46 +0000

As discussed.

From: Alex Salmond [REDACTED]
Sent: 27 February 2021 01:50
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Correspondence from Mr Hamilton [UNSCANNED]

Dear [REDACTED]

I note from one of your earlier emails in the exchanges below that Mr Hamilton is free on Monday 1st March and if that is more convenient for him, I'm available for a video call from 4.30pm onwards.

Might that be suitable?

I will be filming earlier that day and will accordingly have access to a better signal for the video call!

Please kindly let me know if that works for Mr Hamilton.

Thank you for your kind help with arranging this.

Alex

Sent from my iPad

On 26 Feb 2021, at 10:14, [REDACTED] <[REDACTED]@gov.scot> wrote:

Dear Mr Salmond,

Many thanks. Mr Hamilton would be happy to meet on Tuesday.

Are there any particular times on Tuesday that would be best for you? Mr Hamilton has a couple of other meetings on Tuesday, the schedule for which should be finalised later today. Once that is settled I can compare against your availability and suggest some specific times for the meeting.

Best wishes,

[REDACTED]

From: Alex Salmond [REDACTED]
Sent: 25 February 2021 11:04
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Correspondence from Mr Hamilton [UNSCANNED]

Dear [REDACTED]

Yes they have! Would Tuesday next week be of use to Mr Hamilton. Unfortunately I am filming on Monday but let me know. It is possible I could find a gap late afternoon/early evening on Monday if we can agree a time with a just a wee bit of flexibility.

Best Wishes

Alex Salmond

Sent from my iPad

On 25 Feb 2021, at 10:19, [REDACTED] <[REDACTED]@gov.scot> wrote:

Dear Mr Salmond,

With apologies for contacting you again, as I understand that your plans for this week have changed for reasons beyond your control, I just wanted to check if you were able to provide any update on your availability early next week for a discussion with Mr Hamilton? Mr Hamilton would also be happy to arrange a call over the weekend if that would work for you.

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 22 February 2021 11:25
To: 'Alex Salmond' [REDACTED]
Subject: RE: Correspondence from Mr Hamilton [UNSCANNED]

Dear Mr Salmond,

Many thanks for your email. I have now had an opportunity to discuss this with Mr Hamilton.

Mr Hamilton is available on Friday afternoon from 3.30 pm onwards, but would also be free on Monday 1 March if you are available then? Whilst Mr Hamilton is keen to meet as soon as can be arranged, he is also

aware that you may be giving evidence to the Parliamentary Committee this week and would ideally like to watch and consider your evidence to the Committee before he discusses things with you.

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Happy to discuss.

Best wishes,

[REDACTED]

[REDACTED] | Secretariat to the Independent Advisor under the Ministerial Code |
Please contact me on Skype or on [REDACTED].

From: Alex Salmond [REDACTED]
Sent: 20 February 2021 01:54
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Correspondence from Mr Hamilton [UNSCANNED]

Dear [REDACTED]

Happens to me all the time.

Looking at the terms of Mr Hamilton's letter could you also confirm to him that I would like to speak with him by video on my evidence. If it were suitable for Mr Hamilton I would be free on Friday next, 26th February.

Yours for Scotland

ALEX SALMOND

Sent from my iPad

On 19 Feb 2021, at 19:23, [REDACTED] <[REDACTED]@gov.scot> wrote:

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Please accept my apologies for this- I will forward your email from this morning to Mr Hamilton now.

Best wishes,

[REDACTED]

From: Alex Salmond [REDACTED]
Sent: 19 February 2021 17:24
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Correspondence from Mr Hamilton [UNSCANNED]

Dear [REDACTED]

Has this letter crossed with my email?

I sent the answers this morning with a note and two appendices. Could you let me know you have received everything.

Best Wishes

Alex Salmond

Sent from my iPad

On 19 Feb 2021, at 17:18, [REDACTED] <[REDACTED]@gov.scot> wrote:

Dear Mr Salmond,

Please see attached correspondence from Mr Hamilton.

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 12 February 2021 12:40
To: 'Alex Salmond' [REDACTED]
Subject: RE: Correspondence from Mr Hamilton

Dear Mr Salmond,

Thank you for your response. I have passed this to Mr Hamilton, who is happy that you provide written statements to the supplementary questions. However, if you would like to discuss matters Mr Hamilton would also be happy to arrange a video interview.

Best wishes,

[REDACTED]

From: Alex Salmond [REDACTED]
Sent: 11 February 2021 09:56
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Correspondence from Mr Hamilton

Dear [REDACTED]

Thank you for your note. I enclose a reply to Mr Hamilton.

Best Wishes

Alex Salmond

Mr James Hamilton
Independent Adviser on the Scottish Ministerial Code

11th February 2021

Dear Mr Hamilton

Thank you for your letter of 9th February.

If I may I shall reply within a few days when I have the opportunity to consult my notes. In addition, in preparing evidence for the Parliamentary Inquiry, I have come across some further documentary corroboration for points which I have already made.

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Yours for Scotland

Rt Hon Alex Salmond

Sent from my iPad

On 9 Feb 2021, at 17:03, [REDACTED]@gov.scot wrote:

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Best wishes,

[REDACTED]

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<Correspondence for Alex Salmond- 9 Feb 2021.docx>

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<Salmond letter Feb 19 2021.docx>

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From: [REDACTED]
Sent: 27 February 2021 11:03
To: James Hamilton [REDACTED]
Subject: RE: Evidence to the Scottish Parliament- Mr Salmond

No problem, there's a further email re timings I will send now.

From: James Hamilton <[REDACTED]>
Sent: 27 February 2021 11:01
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Evidence to the Scottish Parliament- Mr Salmond

Thanks, [REDACTED] I watched quite a lot of it yesterday.
I will get back to you later about plans to interview him.

James

On Sat 27 Feb 2021 at 10:55 [REDACTED] <[REDACTED]@gov.scot> wrote:

Hi James,

Mr Salmond gave evidence to the Scottish Parliament Committee yesterday, and there were quite a few things that are relevant I think. I've copied the link to the video below. The Official Report isn't ready yet- given how long the session was I think it will take until at least Monday before it is available.

[Scottish Parliament TV | Committee on the Scottish Government Handling of Harassment Complaints : February 26, 2021](#)

There's 6 hours of evidence. The Ministerial code stuff was the last agenda item, I can check the exact timings, but there were discussions of relevance throughout the whole session.

Best wishes,

[REDACTED]

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[REDACTED]

[REDACTED]

As always, I would be happy to discuss any matters arising by phone.

Regards

Douglas

Douglas Ross QC Ampersand Advocates

phone: 07739 639257

web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



Leading Top Ranked Set in Chambers & Partners and The Legal 500

From: Douglas Ross

Sent: 23 February 2021 20:42

To: [REDACTED]

Subject: RE: Compliance with court orders [UNSCANNED]

[REDACTED]

Thanks for this and your earlier e-mail. I much appreciate the good wishes from, and understanding shown by, you and Mr Hamilton.

I do hope to be able to turn my attention get back to this matter before the end of the week and will keep you posted of anticipated timescales.

Regards

Douglas

Douglas Ross QC Ampersand Advocates

phone: 07739 639257

web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



Leading Top Ranked Set in Chambers & Partners and The Legal 500

From: [REDACTED]
Sent: 23 February 2021 15:33
To: Douglas Ross <douglas.ross@advocates.org.uk>
Subject: RE: Compliance with court orders [UNSCANNED]

Hi Douglas,

I've spoken to Mr Hamilton, [REDACTED]
[REDACTED] He completely understands that you have other demands on your time at the moment and that this will affect the timescales this week.

[REDACTED]

[REDACTED]

The Parliament has now republished Mr Salmond's submission with redactions:

[Alex_Salmond_redacted.pdf \(parliament.scot\)](#)

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 23 February 2021 10:57
To: 'Douglas Ross' <douglas.ross@advocates.org.uk>
Subject: RE: Compliance with court orders [UNSCANNED]

Hi Douglas,

Thanks for letting me know, I've sent this on to Mr Hamilton [REDACTED]
[REDACTED]
[REDACTED]

In terms of the timings, it seems that the relevant issues are still very much under debate in relation to the Parliament publishing Mr Salmond's submission, so there's probably merit in seeing where these discussions settle in any case.

I've copied Mr Salmond's Ministerial Code submission, as published yesterday:

[Alex Salmond Ministerial Code\(1\).pdf \(parliament.scot\)](#)

And his other submission published yesterday for interest:

[Alex Salmond Final Submission.pdf \(parliament.scot\)](#)

According to Sky News, the Crown Office has asked the SPCB to redact the submission as published.

<https://twitter.com/jamesmatthewsky/status/1364145135630622720?s=20>

<https://twitter.com/jamesmatthewsky/status/1364145549600051200?s=20>

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>

Sent: 22 February 2021 21:33

To: [REDACTED]

Subject: RE: Compliance with court orders [UNSCANNED]

Dear [REDACTED]

Thanks for this. I look forward to receiving the [REDACTED] in due course, but please don't rush to get it to me first thing tomorrow. I am fighting on a number of fronts at the moment. The Ministerial Referral is, unfortunately, not the only matter in which I am involved in which there have been unanticipated developments! I am dealing with urgent issues in a couple of cases in which I have been instructed for a long time and hence cannot avoid. [REDACTED]

[REDACTED] I will, of course, turn my attention back to the Ministerial Referral just as soon as I possibly can. However, as matters stand, that looks like being Wednesday at the earliest, and possibly – depending on these other issues – Thursday or even Friday.

My apologies for any inconvenience that may cause, but it's better that I give you and Mr Hamilton a realistic estimate so that you can plan accordingly.

Happy to discuss any matters arising.

Regards

Douglas

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Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



Leading Top Ranked Set in Chambers & Partners and The Legal 500

From: [REDACTED]
Sent: 22 February 2021 16:07
To: Douglas Ross <douglas.ross@advocates.org.uk>
Subject: RE: Compliance with court orders [UNSCANNED]

Dear Douglas,

As discussed, please see attached submission and supporting documents from [REDACTED], plus a follow up submission. Two of these are password protected with the usual password.

I will put together the [REDACTED] and send it over, hopefully first thing tomorrow.

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>

Sent: 22 February 2021 14:10

To: [REDACTED]

Subject: RE: Compliance with court orders

Dear [REDACTED]

Thanks for this.

Please do send me [REDACTED] statement. I will take you up on your kind offer of a [REDACTED]
[REDACTED] within the scope of the remit. That could be very useful.

Regards

Douglas

From: [REDACTED]

Sent: 22 February 2021 13:09

To: Douglas Ross <douglas.ross@advocates.org.uk>

Subject: RE: Compliance with court orders

Dear Douglas,

Further to my email last week, please see response to your questions.

Mr Hamilton has suggested that I send you [REDACTED] submissions, which I will do in a separate email. If it would be helpful, I could prepare [REDACTED] of meetings within the scope of the remit that might help supplement the information sent last week?

Happy to discuss.

Best wishes,

[REDACTED]

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From: [REDACTED]
Sent: 19 February 2021 10:08
To: 'Douglas Ross' <douglas.ross@advocates.org.uk>
Subject: RE: Compliance with court orders

Dear Douglas,

Many thanks for this advice, I have forwarded your email to Mr Hamilton. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
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[REDACTED]
[REDACTED]
[REDACTED]

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>

Sent: 18 February 2021 21:27

To: [REDACTED]

Subject: RE: Compliance with court orders

Dear [REDACTED]

I was on the point of sending you a lengthy e-mail when your e-mail below came in [REDACTED]

[REDACTED]

and am committed to spending most of tomorrow (and probably a good deal of the weekend) on two other matters with urgent deadlines. While I will return to working on the Ministerial Referral ASAP, I'm afraid that it is likely to be next week before I am able to spend much time on it. In the meantime, I set out below a shorter version of the e-mail I had been about to send with preliminary observations and queries in relation to the matters on which you have sought my advice.

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Happy to discuss any matters arising.

Regards

Douglas

Douglas Ross QC Ampersand Advocates

phone: 07739 639257

web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



Leading Top Ranked Set in Chambers & Partners and The Legal 500

From: [REDACTED]
Sent: 18 February 2021 18:35
To: Douglas Ross <douglas.ross@advocates.org.uk>
Subject: Compliance with court orders

Hi Douglas,

Hope you are well.

I know you're looking at some of these issues at the moment and will have much more detail on this, but wanted to bring you up to speed on something we have received today. I've deliberately avoided detail of names etc. in case this causes any issues, but would be happy to discuss over the phone if that would be helpful.

[REDACTED]

[REDACTED]

Happy to discuss.

Best wishes,

[REDACTED]

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From: [REDACTED]
Sent: 01 March 2021 17:19
To: Geoff Aberdein [REDACTED]
Subject: Correspondence from Mr Hamilton

Dear Mr Aberdein,

Please see attached correspondence from Mr James Hamilton.

Best wishes,

[REDACTED]

James Hamilton
Independent Adviser on the Scottish Ministerial Code

c/o E: [REDACTED]

Geoff Aberdein
By email to: [REDACTED]

—

1 March 2021

Dear Mr Aberdein,

Thank you for the written submissions you have provided to me. I am now nearing the end of my investigation, and in the course of compiling my report have identified some additional questions I would like to ask.

In your submission, you set out that at the meeting held on 29th of March 2018 you gave the First Minister “a broad summary” of the complaints. Would you be able to provide a more precise account as to what this discussion covered? I would be happy to arrange a discussion via video conference if you would like to discuss matters, or consider a written submission if that would be your preference.

Yours sincerely,

James Hamilton

From: [REDACTED]
Sent: 01 March 2021 18:36
To: James Hamilton [REDACTED]
Subject: [REDACTED]

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From: James Hamilton [REDACTED]
Sent: 02 March 2021 11:08
To: [REDACTED]@gov.scot>
Subject: Re: FW: Committee on the Scottish Government Handling of Complaints - point of information

Thanks [REDACTED], I do not think there is anything more I need to ask. Please convey my thanks to her.

James

On Tue, 2 Mar 2021 at 11:01, <[REDACTED]@gov.scot> wrote:
Hi James,

Please see attached response from [REDACTED] (we wrote to her via SG HR in December last year but did not get a response). I will draft up a response to her to thank her for the information and pose any additional questions you have.

Best wishes,

Rebecca

From: [REDACTED]@live.co.uk>
Sent: 02 March 2021 10:57
To: jackie.baillie.msp@parliament.scot
Cc: [REDACTED]@gov.scot>
Subject: Committee on the Scottish Government Handling of Complaints - point of information

Dear Ms Baillie,

Having followed your questioning of Alex Salmond at the committee session on Friday 26th February, I understand that you may plan to write to me in order to confirm a point of information.

By way of background, I am an ex-civil servant with 21 years of service, including 5 years in Mr Salmond's private office when he was First Minister. The contact details which the government will have for me are now out of date, hence my contacting you directly.

Geoff Aberdeen and I worked closely together during our time in government, and have also since worked at the same company. I can confirm that Geoff confided in me, back in early March 2018, [REDACTED] I met with Geoff after [REDACTED], and was shocked to hear that the Scottish Government had received two complaints about Mr Salmond. Geoff also shared with me that [REDACTED] had

named one of the complainants - I recall this clearly [REDACTED]. I believe I was the first person Geoff spoke to about this issue.

I am happy for you to share this information with the other committee members and, in the interests of completeness, I am also sharing this with Mr James Hamilton, Independent Adviser on the Ministerial Code, who corresponded with me on this issue last December.

Yours sincerely

[REDACTED]

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From: Douglas Ross <douglas.ross@advocates.org.uk>
Sent: 02 March 2021 20:56
To: [REDACTED]@gov.scot>
Subject: RE: [REDACTED] [UNSCANNED]

Dear [REDACTED]

All noted, thanks. I will stand by awaiting developments.

Regards

Douglas

From: [REDACTED]@gov.scot>
Sent: 02 March 2021 18:11
To: Douglas Ross <douglas.ross@advocates.org.uk>
Subject: RE: [REDACTED] [UNSCANNED]

Dear Douglas,

Just wanted to send you a quick note on [REDACTED]. I hope to have found more useful information over the course of the next couple of days.

[REDACTED]

[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>

Sent: 01 March 2021 17:43

To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

Subject: FW: [REDACTED] [UNSCANNED]

Dear Rebecca

1. Further to recent correspondence, the main matters on which my advice is still required are

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

As always, I would be happy to discuss any matters arising by phone.

Regards

Douglas
Douglas Ross QC Ampersand Advocates

phone: [REDACTED]
web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)
Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



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From: Douglas Ross

Sent: 23 February 2021 20:42

To: [REDACTED]@gov.scot>

Subject: [REDACTED] [UNSCANNED]

[REDACTED]

Thanks for this and your earlier e-mail. I much appreciate the good wishes from, and understanding shown by, you and Mr Hamilton.

I do hope to be able to turn my attention get back to this matter before the end of the week and will keep you posted of anticipated timescales.

Regards

Douglas

Douglas Ross QC Ampersand Advocates

phone: [REDACTED]

web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



Leading Top Ranked Set in Chambers & Partners and The Legal 500

From: [REDACTED]@gov.scot>

Sent: 23 February 2021 15:33

To: Douglas Ross <douglas.ross@advocates.org.uk>
Subject: RE: [REDACTED] [UNSCANNED]

Hi Douglas,

I've spoken to Mr Hamilton, [REDACTED]
[REDACTED] He completely understands that you have other demands on your time at the moment and that this will affect the timescales this week.

In terms of the report, Mr Hamilton has had some time to consider the issues raised by the note we received last week, and thinks he has found a way to restructure the relevant bits of the report that keeps the sense of his considerations but will hopefully be closer to what could be published. [REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 23 February 2021 10:57
To: 'Douglas Ross' <douglas.ross@advocates.org.uk>
Subject: RE: [REDACTED] [UNSCANNED]

Hi Douglas,

Thanks for letting me know, I've sent this on to Mr Hamilton. [REDACTED]
[REDACTED]

In terms of the timings, it seems that the relevant issues are still very much under debate in relation to the Parliament publishing Mr Salmond's submission, so there's probably merit in seeing where these discussions settle in any case.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>
Sent: 22 February 2021 21:33
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: RE: [REDACTED] [UNSCANNED]

Dear [REDACTED]

Thanks for this. I look forward to [REDACTED] due course, but please don't rush to get it to me first thing tomorrow. I am fighting on a number of fronts at the moment. The Ministerial Referral is, unfortunately, not the only matter in which I am involved in which there have been unanticipated developments! I am dealing with urgent issues in a couple of cases in which I have been instructed for a long time and hence cannot avoid. In addition, [REDACTED]

[REDACTED] I will, of course, turn my attention back to the Ministerial Referral just as soon as I possibly can. However, as matters stand, that looks like being Wednesday at the earliest, and possibly – depending on these other issues – Thursday or even Friday.

My apologies for any inconvenience that may cause, but it's better that I give you and Mr Hamilton a realistic estimate so that you can plan accordingly.

Happy to discuss any matters arising.

Regards

Douglas
Douglas Ross QC Ampersand Advocates

phone: [REDACTED]
web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



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From: [REDACTED]@gov.scot>

Sent: 22 February 2021 16:07

To: Douglas Ross <douglas.ross@advocates.org.uk>

Subject: RE: Compliance with court orders [UNSCANNED]

Dear Douglas,

As discussed, [REDACTED]

[REDACTED] Two of these are password protected with the usual password.

I will put together [REDACTED] and send it over, hopefully first thing tomorrow.

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>

Sent: 22 February 2021 14:10

To: [REDACTED]@gov.scot>

Subject: RE: [REDACTED]

Dear [REDACTED]

Thanks for this.

[REDACTED]

Regards

Douglas

From: [REDACTED]@gov.scot>

Sent: 22 February 2021 13:09

To: Douglas Ross <douglas.ross@advocates.org.uk>

Subject: RE: [REDACTED]

Dear Douglas,

Further to my email last week, please see response to your questions.

[REDACTED]

Happy to discuss.

Best wishes,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 19 February 2021 10:08
To: 'Douglas Ross' <douglas.ross@advocates.org.uk>
Subject: RE: [REDACTED]

Dear Douglas,

Many thanks for this advice, I have forwarded your email to Mr Hamilton. [REDACTED]

I will reply later today with additional information on various points, but can address the [REDACTED]

Best wishes,

From: Douglas Ross <douglas.ross@advocates.org.uk>
Sent: 18 February 2021 21:27
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: RE: [REDACTED]

Dear [REDACTED]

I was on the point of sending you a lengthy e-mail when your e-mail below came in. The information contained in the attachment plainly has potentially very significant implications to which I will have to give careful consideration. I had, naturally, not anticipated this development and am committed to spending most of tomorrow (and probably a good deal of the weekend) on two other matters with urgent deadlines. While I will return to working on the Ministerial Referral ASAP, I'm afraid that it is likely to be next week before I am able to

spend much time on it. In the meantime, I set out below a shorter version of the e-mail I had been about to send with preliminary observations and queries in relation to the matters on which you have sought my advice.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Happy to discuss any matters arising.

Regards

Douglas

Douglas Ross QC Ampersand Advocates

phone:



web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



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From: [REDACTED]@gov.scot>
Sent: 18 February 2021 18:35
To: Douglas Ross <douglas.ross@advocates.org.uk>
Subject: [REDACTED]

Hi Douglas,

Hope you are well.

I know you're looking at some of these issues at the moment and will have much more detail on this, but wanted to bring you up to speed on something we have received today. I've deliberately avoided detail of names etc. in case this causes any issues, but would be happy to discuss over the phone if that would be helpful.

[REDACTED]

Happy to discuss.

Best wishes,

[REDACTED]

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From: [REDACTED]
Sent: 02 March 2021 18:11
To: Douglas Ross <douglas.ross@advocates.org.uk>
Subject: RE: [REDACTED] [UNSCANNED]

Dear Douglas,

Just wanted to send you a quick note on [REDACTED]. I hope to have found more useful information over the course of the next couple of days.

[REDACTED]

[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>
Sent: 01 March 2021 17:43
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: FW: [REDACTED] [UNSCANNED]

Dear [REDACTED]

1. Further to recent correspondence, the main matters on which my advice is still required are

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

As always, I would be happy to discuss any matters arising by phone.

Regards

Douglas

Douglas Ross QC Ampersand Advocates

phone: [REDACTED]

web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



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From: Douglas Ross

Sent: 23 February 2021 20:42

To: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot)>

Subject: RE: [REDACTED] [UNSCANNED]

[REDACTED]

Thanks for this and your earlier e-mail. I much appreciate the good wishes from, and understanding shown by, you and Mr Hamilton.

I do hope to be able to turn my attention get back to this matter before the end of the week and will keep you posted of anticipated timescales.

Regards

Douglas

Douglas Ross QC Ampersand Advocates

phone: [REDACTED]

web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



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From: [REDACTED] [\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)

Sent: 23 February 2021 15:33

To: Douglas Ross <douglas.ross@advocates.org.uk>

Subject: RE: [REDACTED] [UNSCANNED]

Hi Douglas,

I've spoken to Mr Hamilton, who has asked me to [REDACTED]
[REDACTED] He completely understands that you have other demands on your time at the moment and that this will affect the timescales this week.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 23 February 2021 10:57
To: 'Douglas Ross' <douglas.ross@advocates.org.uk>
Subject: RE: [REDACTED] [UNSCANNED]

Hi Douglas,

Thanks for letting me know, I've sent this on to Mr Hamilton. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>
Sent: 22 February 2021 21:33
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: RE: [REDACTED] [UNSCANNED]

Dear [REDACTED]

Thanks for this. I look forward to receiving the [REDACTED] in due course, but please don't rush to get it to me first thing tomorrow. I am fighting on a number of fronts at the moment. The Ministerial Referral is, unfortunately, not the only matter in which I am involved in which there have been unanticipated developments! I am dealing with urgent issues in a couple of cases in which I have been instructed for a long time and hence cannot avoid. [REDACTED]

[REDACTED] I will, of course, turn my attention back to the Ministerial Referral just as soon as I possibly can. However, as matters stand, that looks like being Wednesday at the earliest, and possibly – depending on these other issues - Thursday or even Friday.

My apologies for any inconvenience that may cause, but it's better that I give you and Mr Hamilton a realistic estimate so that you can plan accordingly.

Happy to discuss any matters arising.

Regards

Douglas

Douglas Ross QC Ampersand Advocates

phone: [REDACTED]

web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



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From: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

Sent: 22 February 2021 16:07

To: Douglas Ross <douglas.ross@advocates.org.uk>

Subject: RE: [REDACTED] [UNSCANNED]

Dear Douglas,

As discussed, [REDACTED]

[REDACTED] Two of these are password protected with the usual password.

I will put together the [REDACTED] and send it over, hopefully first thing tomorrow.

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>

Sent: 22 February 2021 14:10

To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

Subject: RE: [REDACTED]

Dear [REDACTED]

Thanks for this.

[REDACTED]

Regards

[REDACTED]

From: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

Sent: 22 February 2021 13:09

To: Douglas Ross <douglas.ross@advocates.org.uk>

Subject: RE: [REDACTED]

Dear Douglas,

Further to my email last week, please see response to your questions.

[REDACTED]

Happy to discuss.

Best wishes,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 19 February 2021 10:08
To: 'Douglas Ross' <douglas.ross@advocates.org.uk>
Subject: RE: [REDACTED]

Dear Douglas,

Many thanks for this advice, I have forwarded your email to Mr Hamilton. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>

Sent: 18 February 2021 21:27

To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

Subject: RE: [REDACTED]

Dear [REDACTED]

I was on the point of sending you a lengthy e-mail when your e-mail below came in. The information contained in the attachment plainly has potentially very significant implications to which I will have to give careful consideration. I had, naturally, not anticipated this development and am committed to spending most of tomorrow (and probably a good deal of the weekend) on two other matters with urgent deadlines. While I will return to working on the Ministerial Referral ASAP, I'm afraid that it is likely to be next week before I am able to spend much time on it. In the meantime, I set out below a shorter version of the e-mail I had been about to send with preliminary observations and queries in relation to the matters on which you have sought my advice.

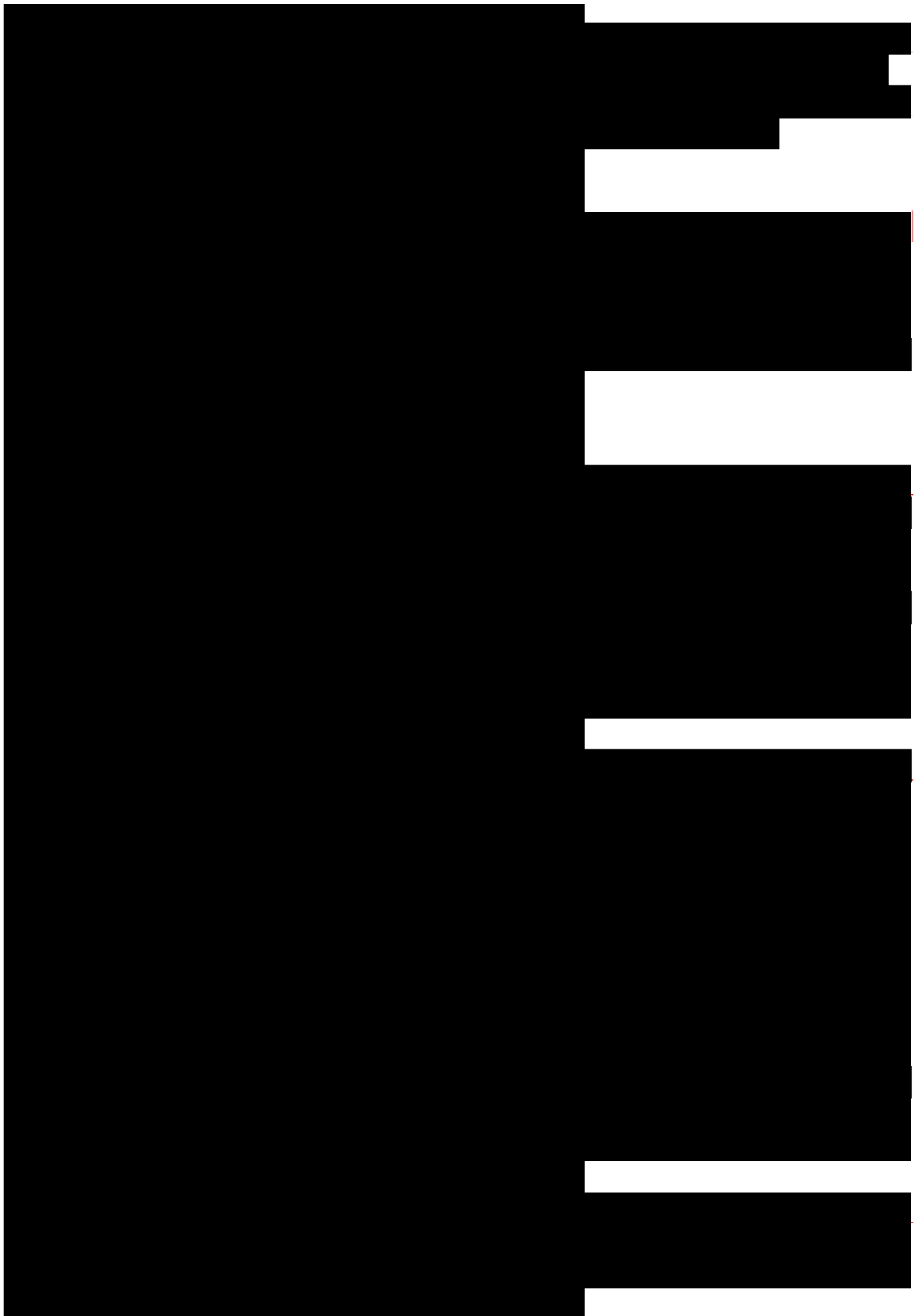
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

Happy to discuss any matters arising.

Regards

Douglas

Douglas Ross QC Ampersand Advocates

phone: [REDACTED]

web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



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From: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot)

Sent: 18 February 2021 18:35

To: Douglas Ross <douglas.ross@advocates.org.uk>

Subject: [REDACTED]

Hi Douglas,

Hope you are well.

I know you're looking at some of these issues at the moment and will have much more detail on this, but wanted to bring you up to speed on something we have received today. I've deliberately avoided detail of names etc. in case this causes any issues, but would be happy to discuss over the phone if that would be helpful.

[REDACTED]

Happy to discuss.

Best wishes,

[REDACTED]

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From: [REDACTED]@parliament.scot>
Sent: 22 February 2021 09:21
To: [REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Hi [REDACTED]

I hope you had a good weekend.

I am in touch on another matter this morning, we are moving towards publication of the submission from Alex Salmond to the ministerial code phase of the inquiry and I am aware this was also a submission to Mr Hamilton to inform his work.

As you are aware that submission includes emails to and from Mr Hamilton in the appendices and so I wanted to inform Mr Hamilton of the intention to publish these emails before doing so.

The submission may be published at the end of today at the earliest,

Kind regards

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: Friday, February 19, 2021 4:57 PM
To: [REDACTED]n@parliament.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

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Hi [REDACTED],

I'm well, thanks, hope you are ok.

Mr Hamilton has asked that I pass on the following update:

Best wishes,

[REDACTED]

I am nearing the end of my investigation and intend to produce my final report as soon as possible. As noted in the PQ response setting out the details of my remit, if required, the report will be redacted to ensure compliance with the relevant court orders, and so there are various checks that need to take place on the report once

drafted. To a large extent, the timescales of this are out of my hands. At this point I am unable to indicate an exact timescale within which these various stages of work will be completed.

I understand that, as is usual practice for Ministerial Code reports, the Scottish Government will co-ordinate the publication of the report.

From: [REDACTED] <[\[REDACTED\]@parliament.scot](mailto:[REDACTED]@parliament.scot)>
Sent: 19 February 2021 12:06
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Hi [REDACTED]

I hope you are well, I was hoping you may have more specific timescales for the publication of James Hamilton's decision report on the self referral under the ministerial code?

A response on Monday or Tuesday would be much appreciated so I can update the Committee on Wednesday (I anticipate members will ask again then so I'd like to have the information to hand)

Kind regards

[REDACTED]

From: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Sent: Monday, February 1, 2021 4:37 PM
To: [REDACTED] <[\[REDACTED\]@parliament.scot](mailto:[REDACTED]@parliament.scot)>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

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Hi [REDACTED],

No problem, before the election is definitely the intention at this point.

Best wishes,

[REDACTED]

From: [REDACTED] <[\[REDACTED\]@parliament.scot](mailto:[REDACTED]@parliament.scot)>
Sent: 01 February 2021 14:56

To: [REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Thanks [REDACTED] just to confirm are you in a position to say before the election is the intention (I appreciate realistically that is feb / march due to purdah rules).
[REDACTED]

From: [REDACTED]@gov.scot>
Sent: Monday, February 1, 2021 2:15 PM
To: [REDACTED]@parliament.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

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Hi [REDACTED],

Apologies, I have been sorting out various things relating to video interviews today.

I think the information I provided last week is all that can really go to the committee at this stage- Mr Hamilton is keen to progress things as soon as he can, but I couldn't offer a definite view on whether that means this month or next is more likely for publication.

Best wishes,

[REDACTED]

From: [REDACTED]@parliament.scot>
Sent: 01 February 2021 13:33
To: [REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Hi [REDACTED]

Hope you got some downtime over the weekend,

I am just putting together a briefing for the Convener for tomorrow's committee meeting – I can add on details in relation to James Hamilton's work and the associated timescales later today but just wanted to confirm at this stage that you will be able to provide a bit more detail on indicative timescales during the course of today?

Many thanks

[REDACTED]

From: [REDACTED]
Sent: Friday, January 29, 2021 11:18 AM
To: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Thanks [REDACTED]

That is helpful general context thanks for putting that together,

Couple of further points, do you have a sense of whether Mr Hamilton considers February or March as a likely timescale for his report? And has he considered whether he can publish when purdah rules come into force (end march)?

The Committee I think assumes the report will be issued in the next month or two and if it is a possibility that that is not the case I would like to be able to inform them,

Perhaps you could come back to me on these specific points before the committee meets on Tuesday morning, so sometime on Monday?

Have a good weekend

[REDACTED]

From: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot)>
Sent: Friday, January 29, 2021 11:11 AM
To: [REDACTED] [@parliament.scot](mailto:[REDACTED]@parliament.scot)>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

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Hi [REDACTED]

Thank you for your email.

As you know, Mr. Hamilton has sought written submissions from a range of participants.

Mr. Hamilton is also currently undertaking video interviews with some participants where he has additional questions he wishes to ask them.

Mr. Hamilton intends to complete his report as soon as possible, and is conscious that the Scottish Parliament election is scheduled to take place in early May 2021.

Mr Hamilton is aware that it is intended that his report will be published, and will take the necessary steps to ensure that his report is compliant with any relevant court orders.

I hope this information is helpful- please let me know if you have any other questions.

Best wishes,

[REDACTED]

From: [REDACTED]@parliament.scot>
Sent: 27 January 2021 11:51
To: [REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Many thanks [REDACTED], if I could have a response by say Friday lunchtime that would be really helpful,

Kind regards

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: Wednesday, January 27, 2021 11:46 AM
To: [REDACTED]@parliament.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

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Dear [REDACTED]

I'm well thanks, hope everything is ok with you.

I have passed your email on to Mr Hamilton and we will get back to you shortly. Is there a specific time by which it would be useful to have a response?

Best wishes,

[REDACTED]

From: [REDACTED]@parliament.scot>
Sent: 27 January 2021 10:32
To: [REDACTED]@gov.scot>
Subject: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Dear [REDACTED]

I hope you are well.

I clerk the SGHHC Committee and the Committee discussed Mr Hamilton's deliberations on the First Minister's self-referral under the Ministerial Code yesterday. The Committee would like to know what the estimated date is for Mr Hamilton to reach a decision. If you are unable to provide a date, an accurate a timeframe for this decision and the associated publication of his report would be much appreciated. I am aware he received Mr Salmond's submission just before New Year and that he has sought and received statements for others. Will there be a stage where he interviews relevant people? I assume this will impact on the timing of his report. In addition, I assume his report will be published as is standard practice? I appreciate there will be substantiating evidence that may not be able to be published given the subject matter and relevant legal obligations that must be complied with.

An indication as to when the decision and associated report will be available would be very much appreciated as soon as you are able,

Kind regards

[REDACTED]

Clerk
SGHHC Committee

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From: [REDACTED]
Sent: 02 March 2021 11:01
To: James Hamilton [REDACTED]
Subject: FW: Committee on the Scottish Government Handling of Complaints - point of information

Hi James,

Please see attached response from Lorraine Kay (we wrote to her via SG HR in December last year but did not get a response). I will draft up a response to her to thank her for the information and pose any additional questions you have.

Best wishes,

[REDACTED]

From: Lorraine Kay [REDACTED]
Sent: 02 March 2021 10:57
To: jackie.baillie.msp@parliament.scot
Cc: [REDACTED]@gov.scot>
Subject: Committee on the Scottish Government Handling of Complaints - point of information

Dear Ms Baillie,

Having followed your questioning of Alex Salmond at the committee session on Friday 26th February, I understand that you may plan to write to me in order to confirm a point of information.

By way of background, I am an ex-civil servant with 21 years of service, including 5 years in Mr Salmond's private office when he was First Minister. The contact details which the government will have for me are now out of date, hence my contacting you directly.

Geoff Aberdein and I worked closely together during our time in government, and have also since worked at the same company. I can confirm that Geoff confided in me, back in [REDACTED] [REDACTED] I met with Geoff after [REDACTED], and was shocked to hear that the Scottish Government had received two complaints about Mr Salmond. Geoff also shared with me that [REDACTED] had named one of the complainants - I recall this clearly [REDACTED]. I believe I was the first person Geoff spoke to about this issue.

I am happy for you to share this information with the other committee members and, in the interests of completeness, I am also sharing this with Mr James Hamilton, Independent Adviser on the Ministerial Code, who corresponded with me on this issue last December.

Yours sincerely

Lorraine Kay

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Hi James,

I had looked through the OR for the comments made by FM on the meetings- I've copied the sections below. As far as I can see, there is careful wording that does not say it was a party meeting, and the comments talk about when Mr Salmond let the FM know about the complaints. I've highlighted bits I think are especially significant.

Best wishes,

[REDACTED]

8 January

In the past, questions have also been raised about meetings that I had with Alex Salmond during the investigation, so I want to address that issue now. I met him on three occasions: on 2 April 2018 at my home in Glasgow; on 7 June 2018 in Aberdeen, ahead of the Scottish National Party conference; and on 14 July 2018, at my home. I also spoke to him on the telephone on 23 April and 18 July 2018. I have not spoken to Alex Salmond since 18 July. On 2 April, he informed me about the complaints against him, which—of course—in line with the procedure, the permanent secretary had not done. He set out his various concerns about the process. In the other contacts, he reiterated his concerns about the process and told me about proposals that he was making to the Scottish Government for mediation and arbitration. However, I was always clear that I had no role in the process. I did not seek to intervene in it at any stage—nor, indeed, did I feel under any pressure to do so.

Jackson Carlaw asked whether it was the case that I simply did not know what was going on in my Government. Here we get to the nub of the matter—I did not know what was going on in the investigation, because the procedure said that I should not know what was going on in the investigation. I was informed of the investigation by Alex Salmond, but I did nothing to intervene in that process as a result of any of that. That is an important point and one on which I am very clear.

- The contacts that I had with Alex Salmond, the dates of which I have set out today, were not Government meetings. I have known Alex Salmond as a friend and colleague for 30 years, and he was then a member of my party, although he is not at the present time. People can make judgments about the decisions that I took, but one of the things that I have found out in the course of dealing with this is that there is no manual for suddenly finding oneself in a situation in which somebody whom one has worked with in that way is subject to such accusations. However, I was very firm when, as I have set out, in the first meeting he informed me of the complaints and when, after that, he made me aware of the concerns that he had about the process and that he was proposing mediation and arbitration, that—and this is the key principle for me—I had no role in the process. I did not intervene or seek to intervene. Self-evidently I did not, because what Alex Salmond was seeking did not happen. That is the important principle—and one on which I am absolutely satisfied.

- Today, not just on that issue but on the more general issue, I am anxious to be as transparent as possible within the confines of an on-going investigation. As we move down and out of the investigations, if there is more information that the Government can make available to Parliament, of course we will do so.

10 Jan

As Jackson Carlaw has said, Alex Salmond informed me of the investigation at a meeting on 2 April 2018. I was so anxious not to even inadvertently create any impression that I was

seeking to intervene that I did not immediately tell the permanent secretary that I was aware of the investigation. I changed that judgment when Alex Salmond asked to meet me a second time.

17 Jan

- I have already set out the account of when I first became aware of the complaint, and we have corrected inaccurate claims in the media this week relating to my chief of staff. Jackson Carlaw has said—perhaps this is a point on which I can go some way to agreeing with him—that there are differing accounts of the matter. That is why it is important to allow the scrutiny of the inquiries that have been established.

- Now that those inquiries have been called for—and now that I, my Government and my party have agreed to support the establishment of those inquiries and co-operate fully with them—it is incumbent on all of us to respect those processes. That is what I will do. The question for Jackson Carlaw is this: is he really interested in getting to the heart of these matters or does he simply want to continue to make party political points about them?

Legal advice publication

From: [REDACTED] <[REDACTED]@gov.scot>
To: James Hamilton <[REDACTED]@[REDACTED]>
Date: Tue, 02 Mar 2021 18:25:21 +0000

As discussed

[Legal advice related to the Parliamentary Inquiry into the Scottish Government's Handling of Harassment Complaints \(SGHHC\) - gov.scot \(www.gov.scot\)](#)

From: [REDACTED]
Sent: 02 March 2021 12:21
To: James Hamilton [REDACTED]
Subject: FW: Personal- Ministerial Code Referral- Correspondence from James Hamilton

Please see attached response from Duncan Hamilton.

From: Duncan Hamilton [REDACTED] >
Sent: 02 March 2021 12:01
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: Re: Personal- Ministerial Code Referral- Correspondence from James Hamilton

Dear Mr Hamilton

Further to the position outlined by Mr Salmond, I have provided a statement to the Parliamentary Committee this morning.

I attach that statement and trust that it addresses most of the matters of relevance for your own Inquiry.

I am happy to answer any additional questions you may have.

Regards

Duncan Hamilton

Duncan Hamilton
Advocate

[REDACTED]

Arnot Manderson Advocates, Parliament House, Edinburgh, EH1 1RF [REDACTED]
[REDACTED] www.amadvocates.co.uk



From: "[REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>" <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Date: Monday, 1 March 2021 at 16:34
To: DUNCAN HOME <[\[REDACTED\]](mailto:[REDACTED])>
Subject: RE: Personal- Ministerial Code Referral- Correspondence from James Hamilton

Dear Mr Hamilton,

Please see attached correspondence from Mr James Hamilton.

Best wishes,

[REDACTED]

From: Duncan Hamilton [REDACTED]
Sent: 30 November 2020 10:54
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Personal- Ministerial Code Referral- Correspondence from James Hamilton

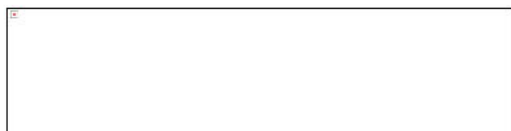
Many thanks [REDACTED]

Best wishes

Duncan
Duncan Hamilton
Advocate
[REDACTED]
[REDACTED]

Arnot Manderson Advocates, Parliament House, Edinburgh, EH1 1RF [REDACTED]

[REDACTED]
www.amadvocates.co.uk



On 30 Nov 2020, at 10:31, [REDACTED] <[REDACTED]@gov.scot> wrote:
Dear Duncan,

Many thanks for your swift response, which I had passed on to Mr Hamilton.

Mr Hamilton understands your position on this matter and is grateful for your consideration of his request.

Best wishes,

[REDACTED]

From: Duncan Hamilton
Sent: 25 November 2020 14:46
To: [REDACTED]
Subject: Re: Personal- Ministerial Code Referral- Correspondence from James Hamilton

Dear [REDACTED]

Many thanks for this letter which I have considered carefully.

I regret that my professional duties and obligations do not permit me to assist in providing the information sought.

I trust that Mr Hamilton will understand that position.

Yours faithfully

Duncan Hamilton

Duncan Hamilton
Advocate

[REDACTED]
[REDACTED]

Arnot Manderson Advocates, Parliament House, Edinburgh, EH1 1RF t [REDACTED]
[REDACTED] www.amadvocates.co.uk

From: [REDACTED]@gov.scot" [REDACTED]@gov.scot>

Date: Wednesday, 25 November 2020 at 09:21

To: DUNCAN HOME [REDACTED]

Subject: Personal- Ministerial Code Referral- Correspondence from James Hamilton

Dear Duncan Hamilton,

Please see attached correspondence from James Hamilton, independent advisor on the Ministerial Code.

In order to ensure that the current Covid restrictions do not delay this correspondence, it has been sent by email in the first instance. A duplicate hard copy will also be sent by post.

Best wishes,

[REDACTED]

[REDACTED] | Secretariat to the Independent Advisor under the Ministerial Code | Please contact me on Skype or on [REDACTED]

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Dear Convener

Committee on the Scottish Government Handling of Harassment Complaints

1. On 1st March 2020, I received a request from the Committee for assistance in providing corroboration and confirmation of a number of aspects of the oral evidence given to the Committee by Mr Alex Salmond on Friday 26th February 2021.
2. The committee has not asked me any specific questions. Instead, I have been given sight of the Official Report for the evidence session. I have been asked to review it and identify all the matters raised by Mr Salmond which refer to me. If I have missed any references, please let me know and I will also address those.
3. I propose simply to deal with those references in the order they appear in the Official Report. I refer to the column number in each instance.

Confidentiality

4. I was, as Mr Salmond informed the Committee, instructed by Levy & McRae solicitors to act on behalf of Mr Salmond from the receipt of the letter from the Scottish Government on March 7th 2018. I was instructed as Counsel in the Judicial Review proceedings along with Ronnie Clancy QC.
5. An essential duty of an Advocate is to maintain confidentiality. It is accordingly both unique, and uncomfortable, for me as an Advocate to be offering any evidence whatsoever to this Committee. I am able to do so only because the client (Mr Salmond) has given express instruction that he is content that I do so and has waived his privilege in relation to the

information I am asked to provide. The privilege is his, however, and having made the choice to waive it, I am able to answer your questions.

6. For completeness, I would also add that I have considered the 'Guide to the Professional Conduct of Advocates' (7th edition 2019) and in particular the provisions at paragraphs 2.3.1 – 2.3.3.
7. I have further consulted with the Vice Dean of Faculty. The Faculty is also satisfied that in the particular circumstances of this matter there is no barrier to my responding to the Committee.

Declaration of Interests

8. Given the nature of the investigation and the composition of the Committee, I have considered what additional declaration of interest requires to be made beyond that which is already in the public domain.
9. I confirm that I am a former Member of the Scottish Parliament, having been elected for the Scottish National Party and serving from 1999-2003. I was a part time Special Adviser from 2007-2008. I am a current member of the SNP, and have been since 1994. Finally, I have previously contributed financially to the local election campaign of Alisdair Allan MSP.

The Statements made by Mr Salmond

10. I propose to take the statements in the order in which they were made.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Comment

I can confirm that statement is correct.

I was aware that Mr Aberdeen was meeting the First Minister at the Scottish Parliament on 29th March 2018 for the purpose of discussing the complaints. Mr Aberdeen made me aware of that meeting and its purpose in advance.

I can confirm that I did attend the meeting on 2nd April 2018 in the home of the First Minister.

iii) Column 77

Alex Cole-Hamilton: To confirm, neither you nor any of your lieutenants had let the First Minister or any of her private office know that there was a suggestion that that was on the table?

Alex Salmond: I know from the committee that you speak for yourself, but I had not indicated to anyone at that time that I was about to resign from the Scottish National Party.

Alex Cole-Hamilton: That is very helpful.

Alex Salmond: I am here under oath telling the truth and that is what I will do, but I would appeal for a rational appraisal of that. A resignation from the SNP would have achieved the diametric opposite of what I was looking to achieve and hoped could be achieved.

Comment

I am not sure if that comment is intended to relate to me or not but for the avoidance of doubt, at no stage did I make any suggestion to the First Minister or any other person acting on her behalf raising even the possibility of Mr Salmond resigning from the SNP.

No suggestion of resignation from the SNP was ever made to me by Mr Salmond at that time.

It did not feature in any part of the discussion on April 2nd 2018 to which I was party. It was not raised by any of those in attendance.

iv) Column 80

Alex Salmond : ‘....However, there is no doubt. It is absolutely certain that the meeting on 29 March in the Scottish Parliament was prearranged for the express purpose of Nicola being briefed on the situation with regard to me and complaints, and that the meeting on 2 April—or, at least the final arrangements for it— arose from the meeting on 29 March. Otherwise, how on earth would I have known to turn up on 2 April? There is no other way that the invitation could be gathered.’

Comment

That is correct. As Mr Salmond notes, neither he nor I would have known to attend at the house of the First Minister on 2nd April 2018 without the invitation arising from the meeting on 29th March 2018.

v) Column 81

Murdo Fraser: Thank you, but I will press you on that point, because it is of fundamental importance to the issue of whether the ministerial code was broken by the First Minister. She has one version of events, you have a directly contrary version of events,

and she has asked you to produce the evidence. You have said to us that you have no doubt that your version of events is correct, but where is the evidence? Who can corroborate your version of events?

Alex Salmond: Well, I am not the only one who knew about the meeting of 29 March.

Murdo Fraser: Who else did?

Alex Salmond: It was known about, certainly, by Duncan Hamilton. It was known about by Kevin Pringle, I believe. Mr Aberdeen did not tell just me. Obviously, Mr Hamilton went with us on 2 April, so he knew about the meeting and the fact that it had been arranged. In terms of exact evidence, the people who turned up at the meeting knew. That is corroboration.

Comment

For my part, I can confirm that what Mr Salmond said is correct.

I spoke to Geoff Aberdeen on 29th March 2018 after his meeting in the Scottish Parliament. At that time, he intimated that a further meeting would be arranged to discuss the complaints with the First Minister. That meeting was arranged for 2nd April 2018. I was invited to that meeting and travelled to it along with Mr Salmond and Mr Aberdeen.

I would further note that the letter received from the Scottish Government was the sole focus of the meeting. Further, when we arrived, everyone in the room knew exactly why we were there. No introduction to the subject was needed and no one was in any doubt what we were there to discuss.

Stuart McMillan: Mr Salmond, you spoke earlier about the discussion that you had with Nicola Sturgeon at her home and you indicated that, at some point afterwards, she seemed to have changed her opinion. Can you remember what was actually said at the meeting—what you said to Nicola Sturgeon and what she said to you—to give you an indication that she was looking to assist or help?

Alex Salmond: There is no doubt that people at the meeting, Mr Aberdein and Mr Hamilton, were there—certainly, Mr Hamilton was there—when Nicola said that, and she said it to me in a private meeting as well: that she was anxious to assist.

Comment

I can confirm that the First Minister did offer to assist.

We discussed mediation. My clear recollection is that her words were ‘If it comes to it, I will intervene.’

From a legal perspective, that was the most important aspect of the meeting. I therefore remember it clearly. I discussed the commitment to intervene with Mr Salmond and Mr Aberdein after we left the meeting specifically because it seemed very likely that mediation would be achieved. From Mr Salmond’s perspective, that was the desired outcome.

The First Minister did later change her mind. She was entitled to do so. That change was, however, a matter of surprise. From a legal perspective, that change in position removed one of the possible alternatives to court proceedings.

Jackie Baillie: The First Minister offered to intervene, according to you. Is it—

Alex Salmond: She said she would when it was the appropriate time. As I say, the conversation was not about if she would intervene, but when. Nicola's anxiety was that she wanted to find a situation where the permanent secretary came to her, or a suitable moment to do it. However, there was no doubt—and I believed— that she was going to assist in that direction for what I believe was the perfectly proper purpose of securing mediation.

Jackie Baillie: Was that conversation just between you and her, or can anybody else substantiate it?

Alex Salmond: I am absolutely certain that Duncan Hamilton was present when we were discussing that. I cannot be absolutely certain about anybody else, but I know that Duncan was there as my counsel. When we were talking after the meeting and assessing what was happening, we were both of the opinion that the intervention was going to be made. We thought that the meeting had gone extremely well. Therefore, I absolutely know that that was then—and is now, presumably—his recollection.

Comment

I can confirm this account is accurate.

11. I can confirm that this evidence is given to the very best of my recollection. I am prepared to provide the same evidence under oath in an affidavit if that is considered necessary.

Duncan Hamilton, Advocate

2nd March 2021

Parliament House

Edinburgh

EH1 1RF

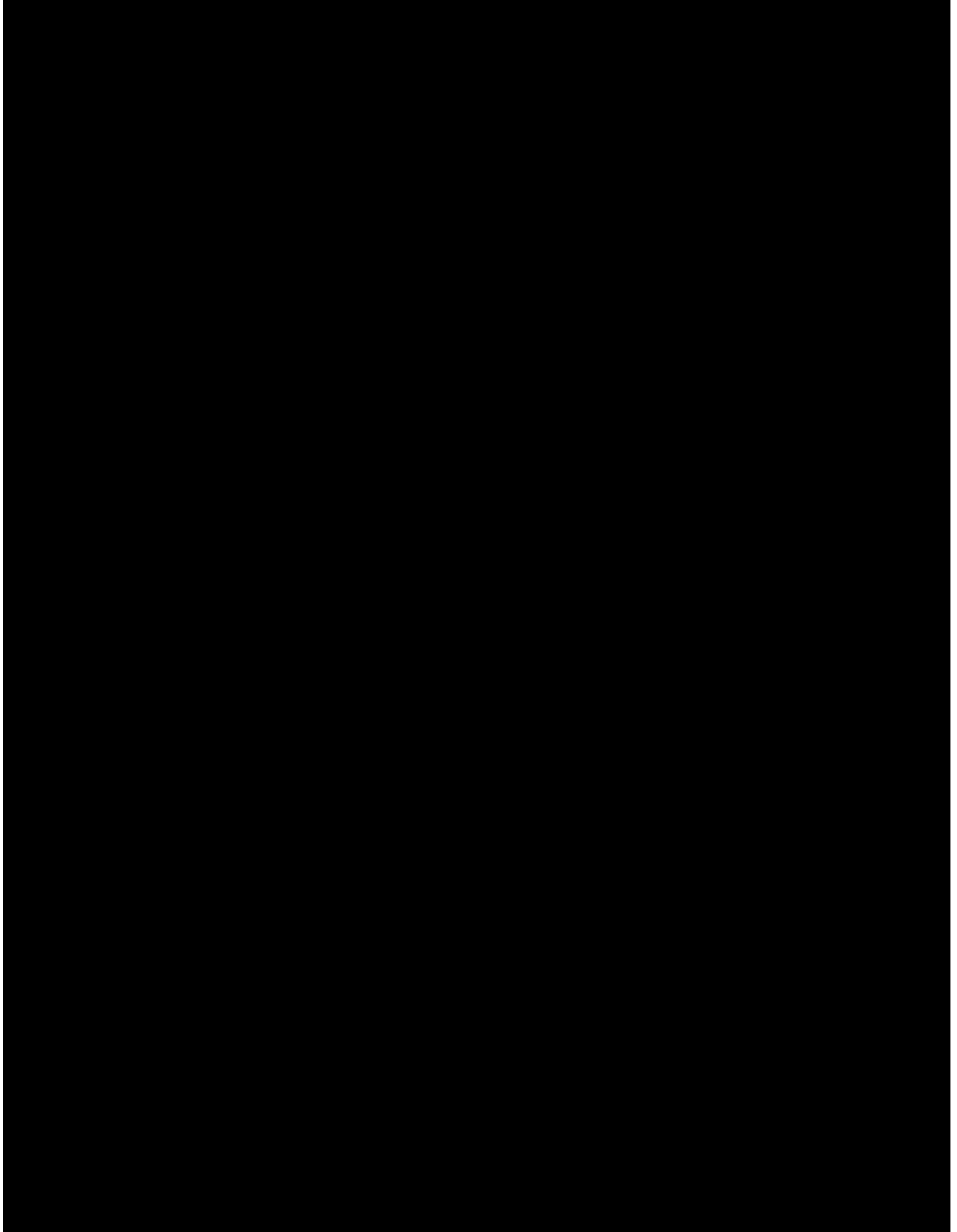
From: [REDACTED]
Sent: 02 March 2021 10:42

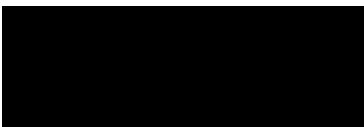
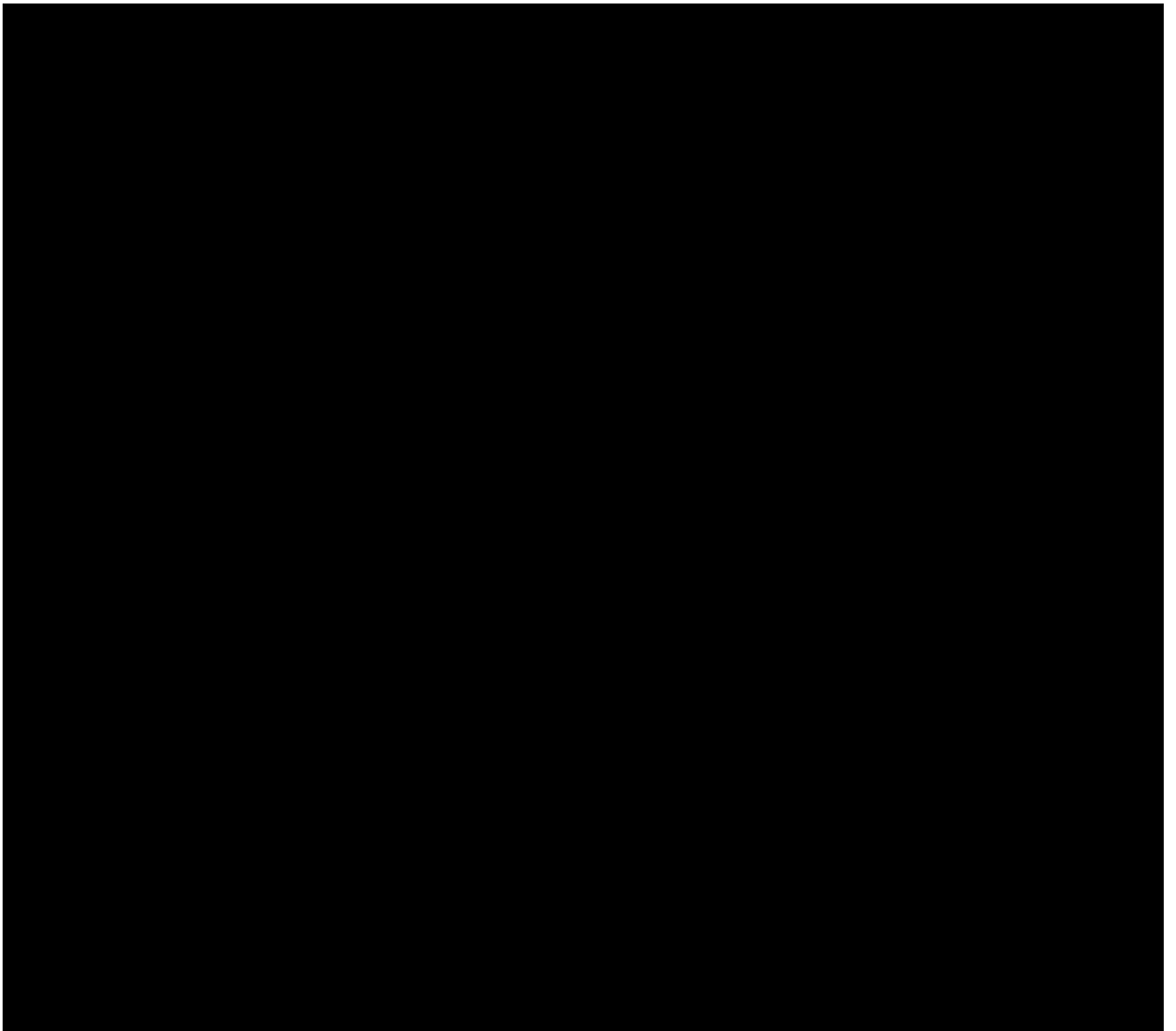
[REDACTED]

[REDACTED]

David Rogers
February 2021

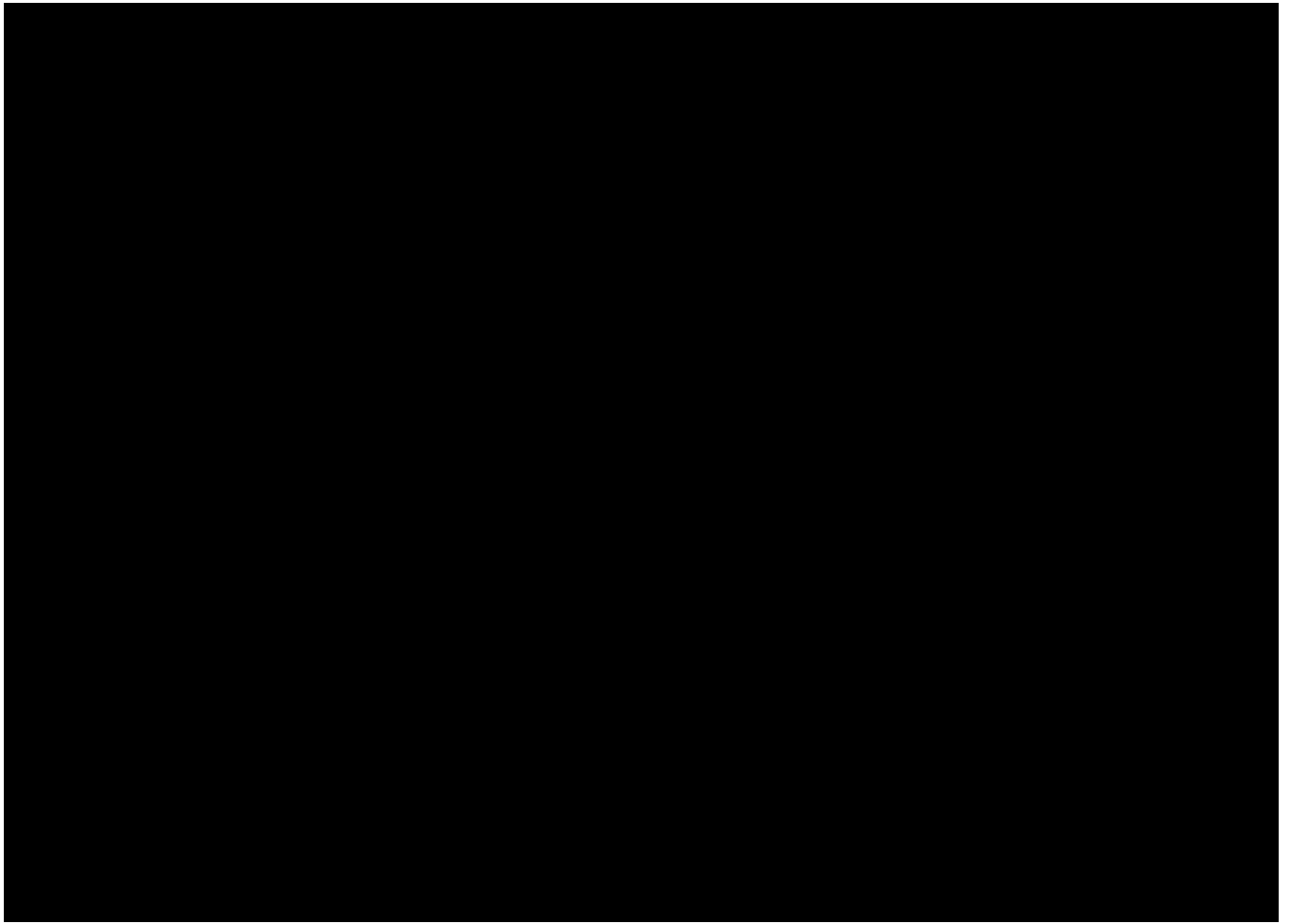
Deputy First Minister





Copy List:	For Actio n	For Comme nts	For Information		
			Portfo lio Intere st	Const it Intere st	General Awarene ss
[REDACTED]			I		I

[REDACTED]					



From: [REDACTED]
Sent: 02 March 2021 10:42
To: [REDACTED] McAllister JM (Jackie)
<Jackie.Mcallister2@gov.scot>;
Cc: [REDACTED]
Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>;
[REDACTED]
Subject: Ministerial Code Advisor- Indemnity

Dear [REDACTED] Jackie,

I am currently acting as secretariat to Mr James Hamilton, who is the independent advisor on the Ministerial Code and is undertaking work on the First Minister's self-referral under the Ministerial Code.

The independent advisor has asked for an indemnity. This seems reasonable, as the Independent Advisor role is unpaid, and similar provision (e.g. under paragraph 18 of the SPFM) is made for those undertaking other similar roles.

On that basis, I have worked with colleagues in [REDACTED] Finance to develop the attached submission which sets out a suggested approach to providing an indemnity, taking into account the various [REDACTED] issues, and the expected likelihood of the indemnity being called upon. This includes a letter, to issue from the DFM to Mr Hamilton, which would confirm the approach.

Given that this has [REDACTED] finance implications, David Rogers has asked that the relevant directors in [REDACTED] Finance also sign off this submission and that a note of this be included in the submission. Would you be able to consider the attached submission and letter and let me know if you are content, by 10am tomorrow if possible? Once I have received any comments I will tidy up the tracked changes and comments in the document.

Happy to discuss.

Best wishes,

[REDACTED]

David Rogers
February 2021

Deputy First Minister

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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			Portfo lio Intere st	Const it Intere st	General Awarene ss
[REDACTED]			I		I

[REDACTED]					

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

RE: Transcripts

From: [REDACTED] <[REDACTED]@gov.scot>
To: James Hamilton <[REDACTED]@[REDACTED]>
Date: Wed, 03 Mar 2021 10:47:43 +0000

Yep, watching!

From: James Hamilton <[REDACTED]@[REDACTED]>
Sent: 03 March 2021 10:47
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Transcripts

Ok. FM talking about early March meetings at present

On Wed 3 Mar 2021 at 10:44 <[REDACTED]@gov.scot> wrote:

Hi James,

FMs' office have been in touch about the transcript of the interview. I know we discussed that you have a couple of comments on it, so I wondered if you could let me know of any comments over the next couple of days and I can issue them to participants.

Best wishes,

[REDACTED]

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From: [REDACTED]
Sent: 03 March 2021 10:26
To: [REDACTED] McAllister JM (Jackie)
<Jackie.Mcallister2@gov.scot>; [REDACTED]
[REDACTED]
[REDACTED]
Cc: [REDACTED]@gov.scot>; Rogers D (David) (Constitution and Cabinet
Director) <David.Rogers@gov.scot>; [REDACTED]
[REDACTED]
[REDACTED]
Subject: RE: Ministerial Code Advisor- Indemnity

[REDACTED]

You have given the trail and Jackie can pick up the answer to her question which was about getting approval not notifying Parliament.

[REDACTED]

From: [REDACTED]
Sent: 03 March 2021 10:15
To: McAllister JM (Jackie) <Jackie.Mcallister2@gov.scot>; [REDACTED]
[REDACTED]
[REDACTED]
Cc: [REDACTED]@gov.scot>; [REDACTED]
Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>;
[REDACTED]
[REDACTED]
[REDACTED]
Subject: RE: Ministerial Code Advisor- Indemnity

Hi Jackie,

No problem at all. I've attached the email trail in which this was discussed between [REDACTED] finance.

[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: McAllister JM (Jackie) <Jackie.Mcallister2@gov.scot>

Sent: 02 March 2021 22:07

To: [REDACTED]

[REDACTED]

Cc: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED]

Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>;

[REDACTED]

[REDACTED]

[REDACTED]

Subject: RE: Ministerial Code Advisor- Indemnity

[REDACTED]

I agree with [REDACTED] on the reasonableness of this request. I would however just like to better understand the advice that [REDACTED]

[REDACTED]

[REDACTED]

Regards

Jackie

From: [REDACTED]
Sent: 02 March 2021 12:56
To: [REDACTED] McAllister JM (Jackie)
<Jackie.Mcallister2@gov.scot>; [REDACTED]
[REDACTED]

Cc: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED]
Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>;
[REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: Ministerial Code Advisor- Indemnity

Many thanks, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 02 March 2021 10:42
To: [REDACTED] McAllister JM (Jackie)
<Jackie.Mcallister2@gov.scot>; [REDACTED]
[REDACTED]
Cc: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED]
Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>;
[REDACTED]
[REDACTED]
[REDACTED]
Subject: Ministerial Code Advisor- Indemnity

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Happy to discuss.

Best wishes,



From: [REDACTED]
Sent: 03 March 2021 10:15
To: McAllister JM (Jackie) <Jackie.Mcallister2@gov.scot>; [REDACTED]
[REDACTED]
[REDACTED]
Cc: [REDACTED]
Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>;
[REDACTED]
[REDACTED]
[REDACTED]
Subject: RE: Ministerial Code Advisor- Indemnity

Hi Jackie,

No problem at all. I've attached the email trail in which this was discussed between [REDACTED] finance.

The key point, as far as I understand it, is [REDACTED]
[REDACTED]

[REDACTED] let me know if I have misrepresented your advice at all!

Best wishes,

[REDACTED]

From: McAllister JM (Jackie) <Jackie.Mcallister2@gov.scot>

Sent: 02 March 2021 22:07

To: [REDACTED]
[REDACTED]

Cc: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED]

Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>;
[REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: Ministerial Code Advisor- Indemnity

[REDACTED]

I agree with [REDACTED] on the reasonableness of this request. I would however just like to better understand the advice that [REDACTED]
[REDACTED]
[REDACTED]

Regards

Jackie

[REDACTED]

[REDACTED]

[Redacted]

[Redacted]

[Redacted]



From: [Redacted]
Sent: 02 March 2021 10:42
To: [Redacted] McAllister JM (Jackie)
<Jackie.Mcallister2@gov.scot>; [Redacted]
[Redacted]
Cc: [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [Redacted]
Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>;
[Redacted]
[Redacted]
[Redacted]
Subject: Ministerial Code Advisor- Indemnity

Dear [Redacted] Jackie,

I am currently acting as secretariat to Mr James Hamilton, who is the independent advisor on the Ministerial Code and is undertaking work on the First Minister's self-referral under the Ministerial Code.

The independent advisor has asked for an indemnity. This seems reasonable, as the Independent Advisor role is unpaid, and similar provision (e.g. under paragraph 18 of the SPFM) is made for those undertaking other similar roles.

On that basis, I have worked with colleagues in [REDACTED] Finance to develop the attached submission which sets out a suggested approach to providing an indemnity, taking into account the various finance [REDACTED] issues, and the expected likelihood of the indemnity being called upon. This includes a letter, to issue from the DFM to Mr Hamilton, which would confirm the approach.

Given that this has [REDACTED] finance implications, David Rogers has asked that the relevant directors in [REDACTED] Finance also sign off this submission and that a note of this be included in the submission. Would you be able to consider the attached submission and letter and let me know if you are content, by 10am tomorrow if possible? Once I have received any comments I will tidy up the tracked changes and comments in the document.

Happy to discuss.

Best wishes,

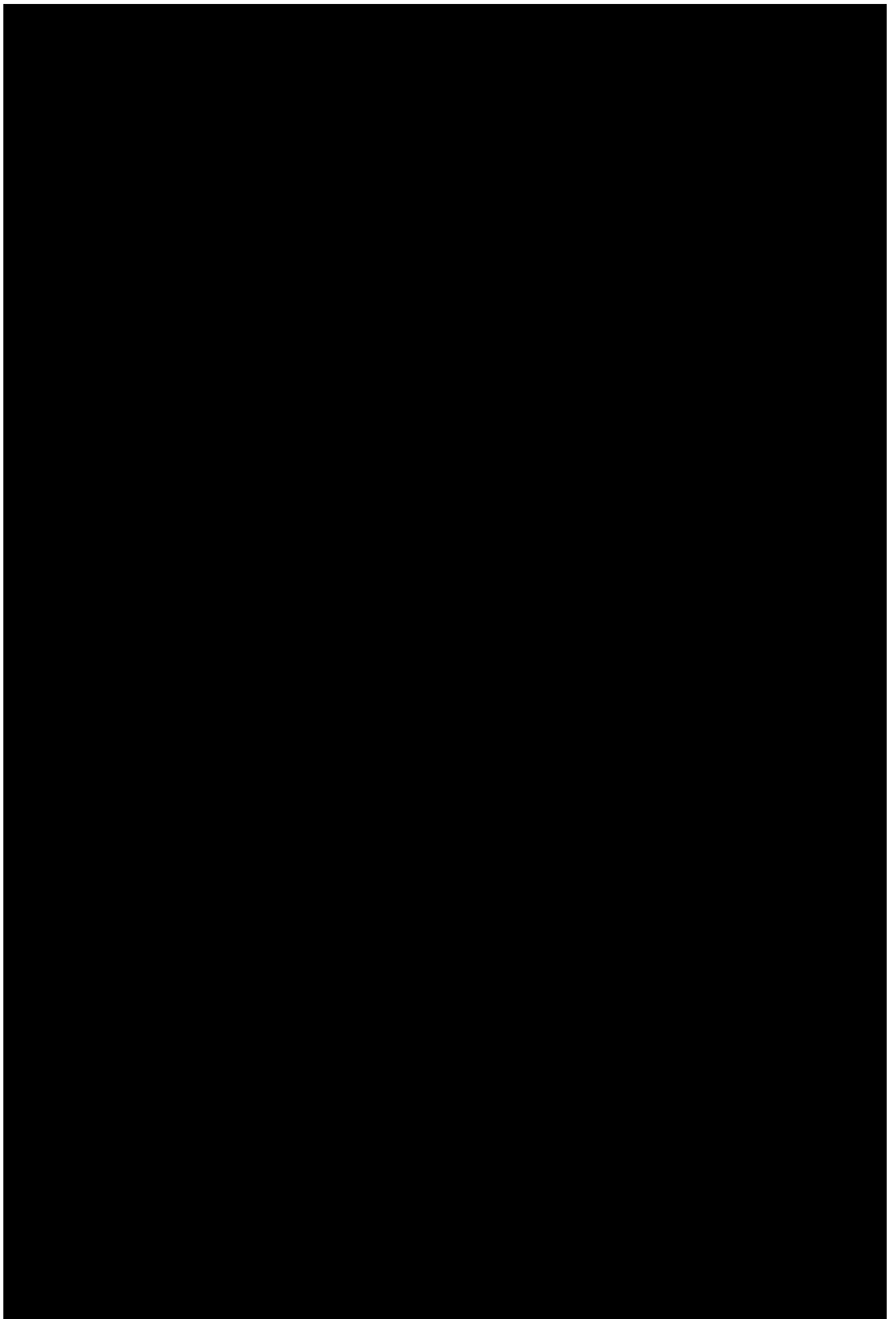
[REDACTED]

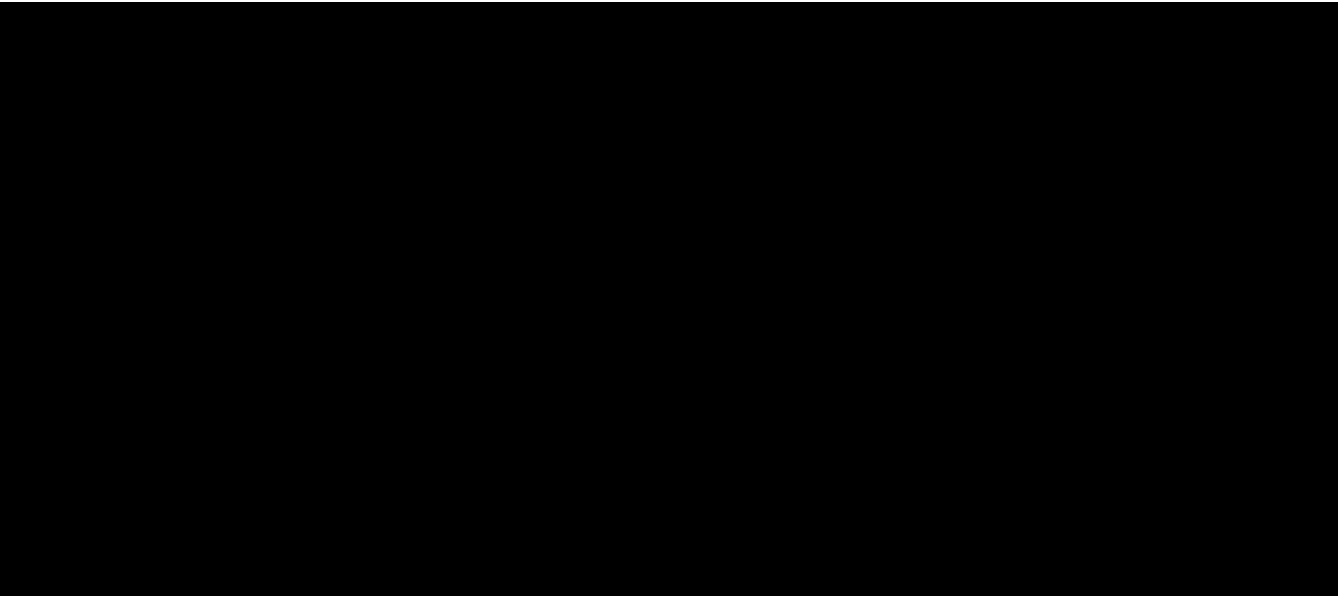
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





From: [REDACTED] <[REDACTED]@gov.scot>

Sent: 23 February 2021 12:12

To: [REDACTED]

[REDACTED]

Cc: [REDACTED]

Subject: RE: question

Sensitivity: Confidential

Hi [REDACTED],

Thanks for sending this [REDACTED]

[REDACTED]



Thanks

[REDACTED]

[REDACTED] | Finance Business Partner | Financial Programme Management | Scottish Government | Victoria Quay | Edinburgh EH6 6QQ

From: [REDACTED]

Sent: 23 February 2021 09:53

To: [REDACTED]@gov.scot>

Subject: FW: question

Sensitivity: Confidential

Hi [REDACTED]

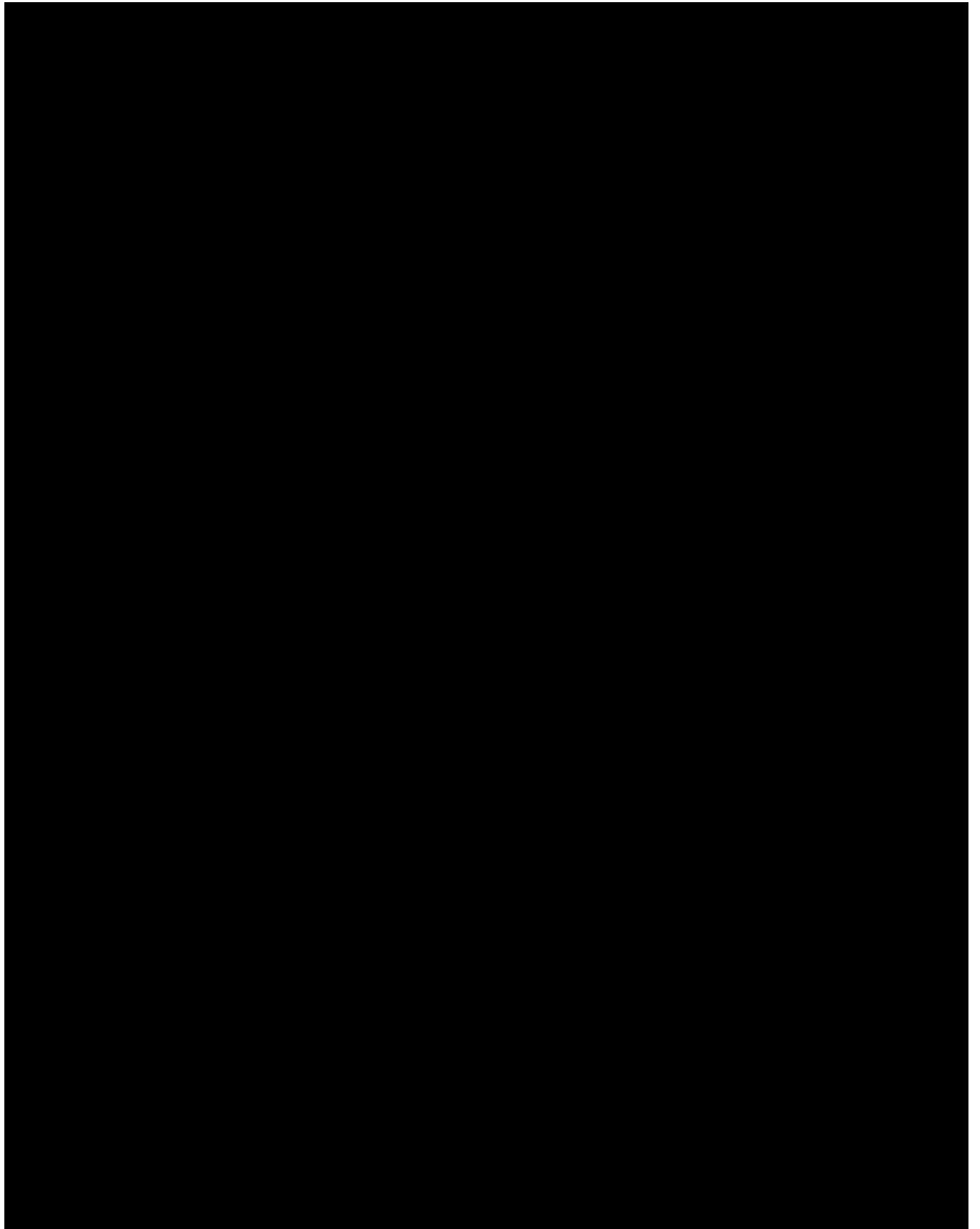
I wondered if we would be able to have a quick word about offering an indemnity to the independent advisor on the ministerial code? [REDACTED]
[REDACTED]

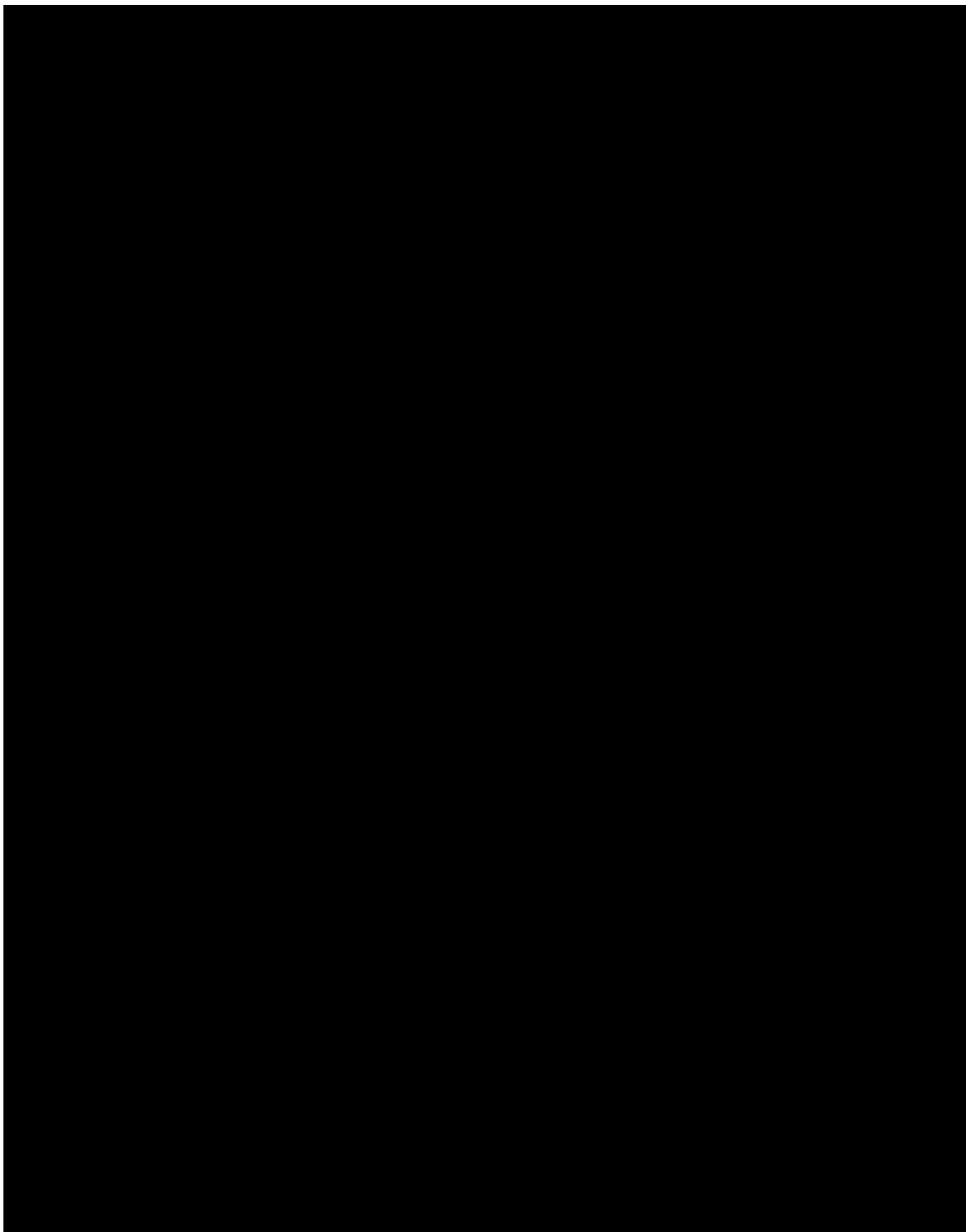
This is fairly urgent and I would like to get this sorted this week if I can.

Best wishes,

[REDACTED]

[REDACTED]





The first of these is the fact that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The second is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The third is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The fourth is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The fifth is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The sixth is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The seventh is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The eighth is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The ninth is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The tenth is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable.



Introductory remarks

From: [REDACTED] <[REDACTED]@gov.scot>
To: James Hamilton <[REDACTED]@[REDACTED]>
Date: Thu, 04 Mar 2021 12:57:00 +0000
Attachments: Introductory remarks.docx (14.12 kB)

As discussed, please see attached introductory remarks.

Introductory remarks

Thank you for agreeing to participate in this interview. As you know, I am conducting an investigation into the First Minister's self-referral under the Ministerial code concerning meetings between the First Minister and Alex Salmond in 2018.

Thank you for the written statement you have provided. I have used the information in this, and other statements I have received, to develop a list of further questions I would like to discuss with you.

■■■■■ ■■■■■, who provides secretariat support to the investigation, will also be present during the interview to take notes and to provide practical and technical support if required.

The meeting will also be recorded, so that a transcript of the conversation can be produced. This will be shared with you as a record of the discussion, and once the transcript is agreed the recording will be destroyed.

In producing my report, I may find that I need to refer to the information you provide. I will be taking appropriate action to ensure that my report is compliant with any relevant court order.

Do you have any questions about the process, or how the information you provide will be used?

In that case, let us turn to the main part of the discussion.

From: [REDACTED]
Sent: 04 March 2021 17:47
To: Douglas Ross <douglas.ross@advocates.org.uk>
Subject: [REDACTED] [UNSCANNED]

Dear Douglas,

[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>
Sent: 02 March 2021 20:56
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: RE: [REDACTED] [UNSCANNED]

Dear [REDACTED]

All noted, thanks. I will stand by awaiting developments.

Regards

Douglas

From: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Sent: 02 March 2021 18:11
To: Douglas Ross <douglas.ross@advocates.org.uk>
Subject: RE: [REDACTED] [UNSCANNED]

Dear Douglas,

Just wanted to send you a quick note on [REDACTED] issues. I hope to have found more useful information over the course of the next couple of days.

[REDACTED]

[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>

Sent: 01 March 2021 17:43

To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

Subject: [REDACTED] [UNSCANNED]

Dear [REDACTED]

1. Further to recent correspondence, the main matters on which my advice is still required are

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

As always, I would be happy to discuss any matters arising by phone.

Regards

Douglas

Douglas Ross QC Ampersand Advocates

phone: [REDACTED]

web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



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From: Douglas Ross

Sent: 23 February 2021 20:42

To: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot)>

Subject: RE: [REDACTED] [UNSCANNED]

[REDACTED]

Thanks for this and your earlier e-mail. I much appreciate the good wishes from, and understanding shown by, you and Mr Hamilton.

I do hope to be able to turn my attention get back to this matter before the end of the week and will keep you posted of anticipated timescales.

Regards

Douglas

Douglas Ross QC Ampersand Advocates

phone: [REDACTED]

web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



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From: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot)>

Sent: 23 February 2021 15:33

To: Douglas Ross <douglas.ross@advocates.org.uk>

Subject: RE: [REDACTED]

Hi Douglas,

I've spoken to Mr Hamilton, who has asked me to [REDACTED]
[REDACTED] He completely understands that you
have other demands on your time at the moment and that this will affect the
timescales this week.

In terms of the report, Mr Hamilton has had some time to consider the issues raised
by the note we received last week, and thinks he has found a way to restructure the
relevant bits of the report that keeps the sense of his considerations but will hopefully
be closer to what could be published . [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: [REDACTED]

Sent: 23 February 2021 10:57

To: 'Douglas Ross' <douglas.ross@advocates.org.uk>
Subject: RE: [REDACTED] [UNSCANNED]

Hi Douglas,

Thanks for letting me know, I've sent this on to Mr Hamilton.

Best wishes,

From: Douglas Ross <douglas.ross@advocates.org.uk>
Sent: 22 February 2021 21:33
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: [REDACTED] [UNSCANNED]

Dear

Thanks for this. I look forward to receiving the note on [REDACTED] in due course, but please don't rush to get it to me first thing tomorrow. I am fighting on a number of fronts at the moment. The Ministerial Referral is, unfortunately, not the only matter in which I am involved in which there have been unanticipated developments! I am dealing with urgent issues in a couple of cases in which I have been instructed for a long time and hence cannot avoid. [REDACTED]

I will, of course, turn my attention back to the Ministerial Referral just as soon as I possibly can. However, as matters stand, that looks like being Wednesday at the earliest, and possibly – depending on these other issues - Thursday or even Friday.

My apologies for any inconvenience that may cause, but it's better that I give you and Mr Hamilton a realistic estimate so that you can plan accordingly.

Happy to discuss any matters arising.

Regards

Douglas

Douglas Ross QC Ampersand Advocates

phone: [REDACTED]

web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



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From: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot)>

Sent: 22 February 2021 16:07

To: Douglas Ross <douglas.ross@advocates.org.uk>

Subject: RE: [REDACTED] [UNSCANNED]

Dear Douglas,

As discussed, [REDACTED]

[REDACTED] Two of these are password protected with the usual password.

I will put together the note on [REDACTED] and send it over, hopefully first thing tomorrow.

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>

Sent: 22 February 2021 14:10

To: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot)>

Subject: RE: [REDACTED]

Dear [REDACTED]

Thanks for this.

[REDACTED]

Regards

Douglas

From: [REDACTED] <[REDACTED]@gov.scot>
Sent: 22 February 2021 13:09
To: Douglas Ross <douglas.ross@advocates.org.uk>
Subject: RE: [REDACTED]

Dear Douglas,

Further to my email last week, please see response to your questions.

[REDACTED]

Happy to discuss.

Best wishes,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 19 February 2021 10:08
To: 'Douglas Ross' <douglas.ross@advocates.org.uk>
Subject: RE: [REDACTED]

Dear Douglas,

Many thanks for this advice, I have forwarded your email to Mr Hamilton. [REDACTED]

[REDACTED]

I will reply later today with additional information on various points, but can address the [REDACTED] point now as that was something that I had wanted to ask about.

[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>
Sent: 18 February 2021 21:27
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: RE: [REDACTED]

Dear [REDACTED]

I was on the point of sending you a lengthy e-mail when your e-mail below came in. The information contained in the attachment plainly has potentially very significant implications to which I will have to give careful consideration. I had, naturally, not anticipated this development and am committed to spending most of tomorrow (and probably a good deal of the weekend) on two other matters with urgent deadlines. While I will return to working on the Ministerial Referral ASAP, I'm afraid that it is likely to be next week before I am able to spend much time on it. In the meantime, I set out below a shorter version of the e-mail I had been about to send with preliminary observations and queries in relation to the matters on which you have sought my advice.

[REDACTED]

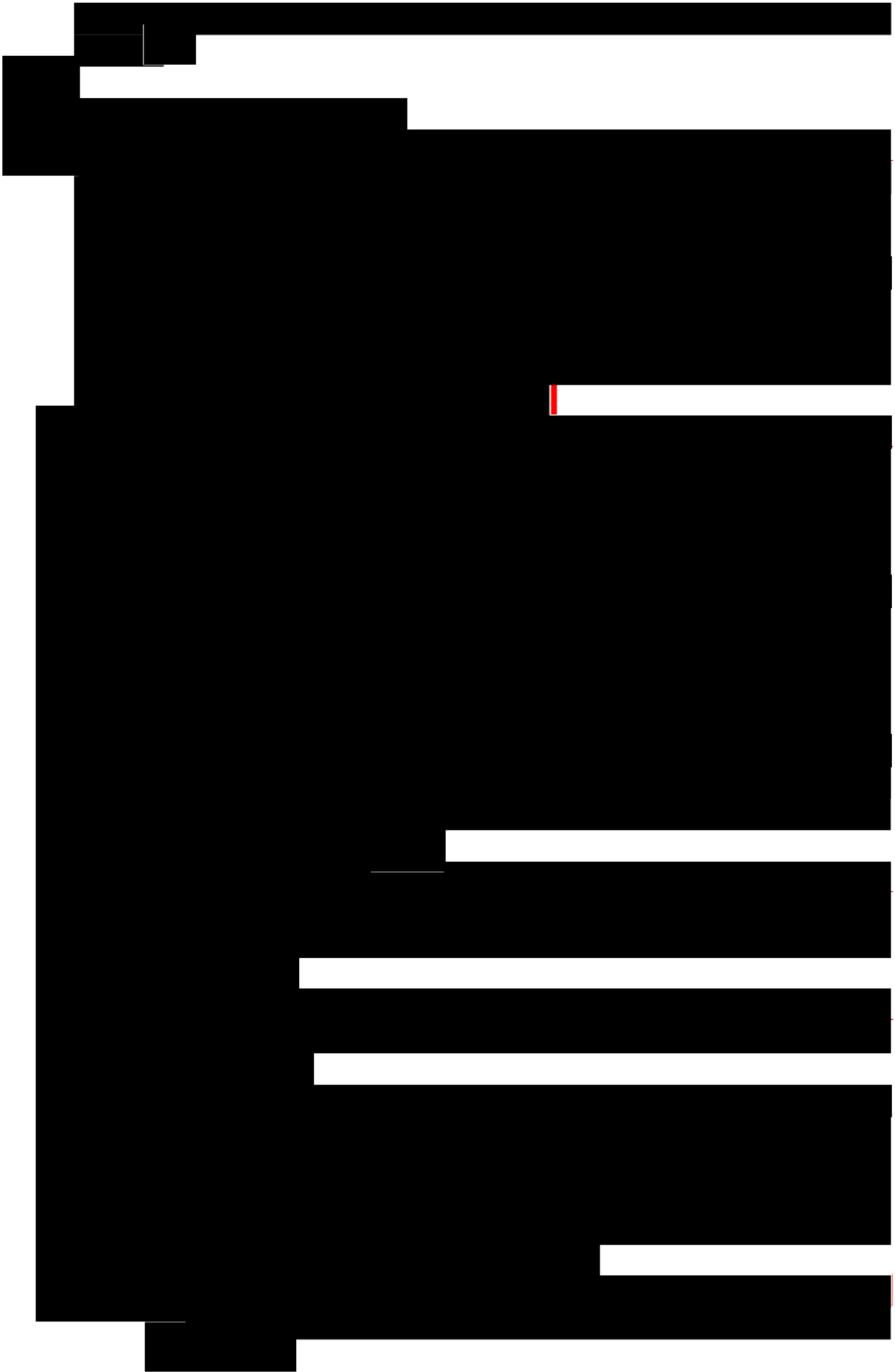
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

Happy to discuss any matters arising.

Regards

Douglas

Douglas Ross QC Ampersand Advocates

phone: [REDACTED]

web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



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From: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

Sent: 18 February 2021 18:35

To: Douglas Ross <douglas.ross@advocates.org.uk>

Subject: [REDACTED]

Hi Douglas,

Hope you are well.

I know you're looking at some of these issues at the moment and will have much more detail on this, but wanted to bring you up to speed on something we have received today. I've deliberately avoided detail of names etc. in case this causes any issues, but would be happy to discuss over the phone if that would be helpful.

[REDACTED]

[REDACTED]

Happy to discuss.

Best wishes,

[REDACTED]

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For more information please visit <http://www.symanteccloud.com>

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For more information please visit <http://www.symanteccloud.com>

From: [REDACTED]
Sent: 05 March 2021 10:23
To: Douglas Ross <douglas.ross@advocates.org.uk>
Subject: RE: [REDACTED] [UNSCANNED]

Dear Douglas,

Many thanks. I found your earlier response very helpful, as it alerted me to a wider issue I hadn't thought of and which will need to be addressed. I am also very grateful that we were able to avoid you having to spend several days on this, as I don't think that would have been the best outcome for anyone.

[REDACTED]

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>
Sent: 04 March 2021 19:29
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: RE: [REDACTED] [UNSCANNED]

Dear [REDACTED]

[REDACTED]

If there are any other matters on which my advice is required, please let me know.

Regards

Douglas
Douglas Ross QC Ampersand Advocates

phone: [REDACTED]
web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



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From: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot)>
Sent: 04 March 2021 17:47
To: Douglas Ross <douglas.ross@advocates.org.uk>
Subject: RE: [REDACTED] [UNSCANNED]

Dear Douglas,

[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>
Sent: 02 March 2021 20:56
To: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: RE: [REDACTED] [UNSCANNED]

Dear [REDACTED]

All noted, thanks. I will stand by awaiting developments.

Regards

Douglas

From: [REDACTED] <[REDACTED]@gov.scot>

Sent: 02 March 2021 18:11

To: Douglas Ross <douglas.ross@advocates.org.uk>

Subject: RE: [REDACTED] [UNSCANNED]

Dear Douglas,

Just wanted to send you a quick note on [REDACTED] issues. I hope to have found more useful information over the course of the next couple of days.

[REDACTED]

[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>

Sent: 01 March 2021 17:43

To: [REDACTED] <[REDACTED]@gov.scot>

Subject: FW: [REDACTED] [UNSCANNED]

Dear [REDACTED]

1. Further to recent correspondence, the main matters on which my advice is still required are

- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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From: Douglas Ross
Sent: 23 February 2021 20:42
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: [REDACTED] [UNSCANNED]

[REDACTED]

Thanks for this and your earlier e-mail. I much appreciate the good wishes from, and understanding shown by, you and Mr Hamilton.

I do hope to be able to turn my attention get back to this matter before the end of the week and will keep you posted of anticipated timescales.

Regards

Douglas
Douglas Ross QC Ampersand Advocates

phone: [REDACTED]
web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)
Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



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From: [REDACTED] <[REDACTED]@gov.scot>
Sent: 23 February 2021 15:33
To: Douglas Ross <douglas.ross@advocates.org.uk>
Subject: RE: [REDACTED] [UNSCANNED]

Hi Douglas,

I've spoken to Mr Hamilton, who has asked me to [REDACTED]
[REDACTED] He completely understands that you have other demands on your time at the moment and that this will affect the timescales this week.

[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 23 February 2021 10:57
To: 'Douglas Ross' <douglas.ross@advocates.org.uk>
Subject: RE: [REDACTED] [UNSCANNED]

Hi Douglas,

Thanks for letting me know, I've sent this on to Mr Hamilton.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>
Sent: 22 February 2021 21:33

To: [REDACTED]@gov.scot>
Subject: RE: [REDACTED] [UNSCANNED]

Dear [REDACTED]

Thanks for this. I look forward to receiving [REDACTED] in due course, but please don't rush to get it to me first thing tomorrow. I am fighting on a number of fronts at the moment. The Ministerial Referral is, unfortunately, not the only matter in which I am involved in which there have been unanticipated developments! I am dealing with urgent issues in a couple of cases in which I have been instructed for a long time and hence cannot avoid. [REDACTED]

[REDACTED] I will, of course, turn my attention back to the Ministerial Referral just as soon as I possibly can. However, as matters stand, that looks like being Wednesday at the earliest, and possibly – depending on these other issues - Thursday or even Friday.

My apologies for any inconvenience that may cause, but it's better that I give you and Mr Hamilton a realistic estimate so that you can plan accordingly.

Happy to discuss any matters arising.

Regards

Douglas
Douglas Ross QC Ampersand Advocates

phone: [REDACTED]
web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)
Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



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From: [REDACTED]@gov.scot>
Sent: 22 February 2021 16:07
To: Douglas Ross <douglas.ross@advocates.org.uk>
Subject: RE: [REDACTED]

Dear Douglas,

[REDACTED]
[REDACTED] Two of these are password protected with the usual password.

I will put together the [REDACTED] and send it over, hopefully first thing tomorrow.

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>

Sent: 22 February 2021 14:10

To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

Subject: RE: [REDACTED]

Dear [REDACTED]

Thanks for this.

[REDACTED]

Regards

Douglas

From: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

Sent: 22 February 2021 13:09

To: Douglas Ross <douglas.ross@advocates.org.uk>

Subject: RE: [REDACTED]

Dear Douglas,

Further to my email last week, please see response to your questions.

[REDACTED]

Happy to discuss.

Best wishes,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 19 February 2021 10:08
To: 'Douglas Ross' <douglas.ross@advocates.org.uk>
Subject: RE: [REDACTED]

Dear Douglas,

Many thanks for this advice, I have forwarded your email to Mr Hamilton. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>

Sent: 18 February 2021 21:27

To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

Subject: RE: [REDACTED]

Dear [REDACTED]

I was on the point of sending you a lengthy e-mail when your e-mail below came in. The information contained in the attachment plainly has potentially very significant implications to which I will have to give careful consideration. I had, naturally, not anticipated this development and am committed to spending most of tomorrow (and probably a good deal of the weekend) on two other matters with urgent deadlines. While I will return to working on the Ministerial Referral ASAP, I'm afraid that it is likely to be next week before I am able to spend much time on it. In the meantime, I set out below a shorter version of the e-mail I had been about to send with preliminary observations and queries in relation to the matters on which you have sought my advice.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Happy to discuss any matters arising.

Regards

Douglas

Douglas Ross QC Ampersand Advocates

phone: [REDACTED]

web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



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From: [REDACTED]@gov.scot>
Sent: 18 February 2021 18:35
To: Douglas Ross <douglas.ross@advocates.org.uk>
Subject: [REDACTED]

Hi Douglas,

Hope you are well.

I know you're looking at some of these issues at the moment and will have much more detail on this, but wanted to bring you up to speed on something we have received today. I've deliberately avoided detail of names etc. in case this causes any issues, but would be happy to discuss over the phone if that would be helpful.

[REDACTED]

Happy to discuss.

Best wishes,

[REDACTED]

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RE: James Hamilton inquiry

From: [REDACTED] <[REDACTED]@gov.scot>
To: [REDACTED] <[REDACTED]@dailymail.co.uk>
Date: Fri, 05 Mar 2021 14:37:23 +0000

Hi [REDACTED]

Thanks for getting in touch.

Mr Hamilton intends to complete his report as soon as possible. Once it is complete it will be sent to the Deputy First Minister, and published by the Scottish Government.

In terms of FOI, the independent advisers on the Scottish Ministerial Code are not subject to FOISA. Accordingly, information held by or on behalf of Mr Hamilton is not within the scope of FOISA. Any FOIs should be directed to the Scottish Government, who will provide responses based on the material they hold.

Best wishes,

[REDACTED]

From: [REDACTED] <[REDACTED]@dailymail.co.uk>
Sent: 04 March 2021 12:55
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: James Hamilton inquiry

Hi [REDACTED]

[REDACTED] from the Scottish Daily Mail here.

I had a few questions about the work James Hamilton is currently doing in relation to the inquiry into whether Nicola Sturgeon breached the ministerial code.

Could you give any indication whether this will be published before the Scottish Parliament rises on March 25 for the election campaign?

And also, I just wanted to check – can FOIs be submitted and where should these be addressed? It would be great if you could get back to me on this.

Kindest,

[REDACTED]

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RE: James Hamilton QC

From: [REDACTED]@gov.scot>
To: [REDACTED]@mailonsunday.co.uk>
Date: Fri, 05 Mar 2021 14:32:23 +0000

Dear [REDACTED]

That is correct, I am acting as Secretariat to Mr Hamilton for his work on this matter.

Mr Hamilton does not propose to make any public comment pending the issuing of his report. In terms of the timing of the report, Mr Hamilton intends to complete his report as soon as possible. I am unable at this point to provide a more specific timescale.

Best wishes,

[REDACTED]

From: [REDACTED]@mailonsunday.co.uk>
Sent: 04 March 2021 11:01
To: [REDACTED]@gov.scot>
Subject: James Hamilton QC

Hi [REDACTED]

I understand you are secretariat to James Hamilton, in relation to his Ministerial Code inquiry?
Can I check if he still needs to speak to anyone in connection with his inquiries?
And are you able to say, exactly or in general terms, when he is likely to submit his report? Could it be next week?

Many thanks

[REDACTED]
Scottish Political Editor
Scottish Mail on Sunday
[REDACTED]

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Additional legal advice published

From: [REDACTED] <[REDACTED]@gov.scot>
To: James Hamilton <[REDACTED]@[REDACTED]>
Date: Fri, 05 Mar 2021 14:25:32 +0000

Hi James,

SG has published some additional documents from the legal advice on the JR- rather unhelpfully in the same webpage so it is more difficult to see what has been added. These are, as far as I can see, about the issue of sisting the JR.

[Legal advice related to the Parliamentary Inquiry into the Scottish Government's Handling of Harassment Complaints \(SGHHC\) - gov.scot \(www.gov.scot\)](#)

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 06 March 2021 14:55

To: James Hamilton [REDACTED]

Subject: FM Transcript

I've tried resaving this as a fresh word doc- if that fails I can send a PDF, only problem is I can't password protect those.

Interview with the First Minister, 1/2/2021

Attendees

James Hamilton, Independent Advisor under the Ministerial Code

Nicola Sturgeon, First Minister

[REDACTED] Secretariat to the Independent Advisor under the Ministerial Code

Meeting transcript

JH: Thank you for agreeing to participate in this interview. As you know, I am conducting an investigation into the First Minister's self-referral under the Ministerial code concerning meetings between the First Minister and Alex Salmond in 2018.

Thank you for the written statement you have provided. I have used the information in this, and other statements I have received, to develop a list of further questions I would like to discuss with you.

[REDACTED], who provides secretariat support to the investigation, will also be present during the interview to take notes and to provide practical and technical support if required.

The meeting will also be recorded, so that a transcript of the conversation can be produced. This will be shared with you as a record of the discussion, and once the transcript is agreed the recording will be destroyed.

In producing my report, I may find that I need to refer to the information you provide. I will be taking appropriate action to ensure that my report is compliant with any relevant court order.

Do you have any questions about the process, or how the information you provide will be used?

In that case, let us turn to the main part of the discussion.

FM: No, the only thing I would have drawn attention to you have already alluded to that clearly there are court orders in force here that limit the ability to freely publish or talk openly about some aspects of this, but I know you are fully aware of that and I will not let that inhibit anything I say to you, and leave it to your judgement as to what can be quoted and what can't.

JH: Yeah, well what I will be doing in practice is running it past a Scottish counsel to ensure that, because obviously somebody who is familiar with the legal system in Scotland needs to look at it, so that's my intention.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

JH:

[REDACTED]

I think you also said yourself that you had a lingering concern about Alex Salmond dating back to the November period, but no more than that.

FM: No more than that, but it was a lingering concern. Roundabout the beginning of November 2017, just to put you in the picture as you will recall this was, at the time the whole world really was talking about the "me too", allegations, and you know organisations, governments, parliaments everywhere were trying to make sure they had the right processes in place. And this was roundabout the time we got a query from Sky News, by "we" I mean

the SNP not the Scottish Government, and that was about allegations that had been made by people at Edinburgh airport about conduct on the part of Alex Salmond.

At that point I spoke to Mr Salmond about it, you know as far as I was aware at that point we were about to see a story appear on Sky News. I spoke to him the morning after we got the press query, he seemed pretty shaken by it at that point and said he had to get to the bottom of what it was. I spoke to him again later that day when he appeared much more bullish. But the following day the Permanent Secretary had indicated to me that he had been, or his lawyers, or a bit of both, I'm not sure, had been contacting people in the Scottish Government effectively asking people that he had worked with or that might have been with him going through Edinburgh Airport to back him up and that that has caused a bit of, some disquiet on the part of those people who had been contacted. And she asked me to ask him to stop that, which I did, and he said he already had all the information he needed. So I suppose the two things that just left me with a lingering concern was the fact that- and I struggle really to go beyond what I'm about to say to you- that his contacting people in the Scottish Government had appeared to almost stir something, a hornets nest had been stirred kind of thing. That was the impression I got. And then he said something to me about you know, you can't have stories like this running because you get one and the flood gates will open kind of thing, which he immediately qualified and said "oh no, that's not to say that I think there is anything there. But it was just the combination of things left me with a "is there something that is about to come forward about Mr Salmond's behaviour?" It wasn't something I thought about every day, or worried me everyday, but it was there in the back of my mind, and that I suppose is the back drop to what unfolded at a later stage.

JH: And then on the 29th of March, Mr Aberdeen was in the office, I think there was some kind of party or somebody was having a birthday or something of that sort. [REDACTED]

FM: [REDACTED] from my memory of this, and my recollection of this, I've tried very hard to get as clear a recollection, it is not the clearest recollection because the 29th of March, for you know reasons we may come on to, has never really been a significant event in my mind. [REDACTED]

[REDACTED] One of our colleagues, it was her 60 birthday, somebody that Geoff had worked closely with and I think it was he might be in, he was going to try to make it in for the birthday cake celebration and if so he might try to grab a word with me. And that is what happened.

JH: and then was he brought into your office? Was this just a discussion in the corridor so to speak?

FN: No no, we had been outside, just I don't expect you to visualise my office in Parliament but there is you know outside my office is where civil servants, special advisors work, so the member of staff whose birthday it was, civil servant, incidentally, we were outside there doing the birthday cake, singing happy birthday and Geoff had asked for a word and we went in to my office. Again, just to be clear, that would not have been the first time since Geoff had left as Chief of Staff, after I became First Minister that he had been in the office for something and had stepped in to my room for a chat. We were friends, you know, we are friends. And so he stepped into my room. From memory, I don't think was a particularly long conversation but it took place in my office.

JH: And did he give you any details at that stage about what it was about?

FM: Not, and this is where, so a combination of what I remember about this meeting and then what actually happened at my house on the 2nd April which we will come on to, make me very firm to the best of my recollection. Remember, this 29th of March meeting had never been a significant event in my mind. To the best of my recollection no he did not give me details, it was very much he wanted to get me to agree to see to see Alec. Alec and I were very close but we hadn't been speaking as much as normal, you know I was First Minister, he was off doing other things, he had lost his seat. He wanted me to see Alec and agree to a meeting. He was telling me that he was very worried about Alec, a lot of the discussion was about Alec's state of mind. You know he seemed to be indicating that he had never heard Alec be quite so upset about anything previously, that he was very distressed, that he thought he might be about to resign his SNP membership because of the nature of the issue he was upset about. I do believe that I, partly down to what he was telling me, partly down to the Sky lingering concerns, that it was in the realms of a potential concern or complaint about sexual misconduct. But, you know in my mind, and this was not unusual; Alec and I have worked incredibly closely for a long time, if I was being told he wanted to tell me something, in my mind I would have had to see him and hear what he wanted to tell me. That's basically, I had a general sense that it was something serious, something in the realms of a sexual complaint potentially, and he was very upset about it [REDACTED]

[REDACTED] But I was very clear, I was agreeing to see Alec as a friend, I was being told he was in a state of considerable distress, but also as the leader of the SNP, I was being led to believe he was on verge of resigning his membership of the party.

JH: and you've described how he told you what the complaints were about? That you were shocked at that meeting, but you hadn't know the details before that?

FM: I didn't know. I suspected it was some kind of complaint about sexual misconduct, but the nature and the detail of that, and I can take you through. I should be candid with you..

JH: No I don't want to know and I don't need to know I don't think because.

FM: No, not the detail of the complaints but how, I was going to be candid with you, I have read Mr Salmond's submission to you, because it had been widely report, and published on the internet, and his sort of suggestion that he turned up at my house on the 2nd of April and everybody knew exactly what we were about to discuss neither aligns with what he said

previously, nor in my view with what actually unfolded in my house, which not the detail but you know the generality of that I'm happy to go in to as much detail as you want.

JH: And at that meeting, I think he asked you to intervene in relation to the matter, in relation to the internal complaints which were being dealt with?

FM: Well, firstly he showed me, so he, when he arrived at my house he first of all asked to see me privately away from the others, which again..

JH: which you did?

FM: Which we did. Again, he's saying we all knew exactly what it was about. He asked to see me privately and as he was telling me what the nature of this was, I didn't know this at the time but I found out shortly later that Geoff and the other individual there was taking Liz through the same detail. He showed me the letter that he had received from the Permanent Secretary, asked me to read it. I was deeply profoundly shocked by what I read, and he then he gave me his account, and I'm not going to get into detail but his account of it, and you know he denied part of what was alleged, but his account shocked me too, because in my view it was an account of something that was deeply inappropriate and it shocked me deeply at the time. And you know I will remember that sense of shock for a long time.

JH: And you've said in your statement that it was clear to him at the end of the discussion you had that you were not going to intervene as he requested you to?

FM: I absolutely hope it was clear, it was certainly clear in my mind I was not going to intervene. I would ask you, I suppose, to remember this, I was sitting here with somebody, just to be clear, that has been closer to me for all my adult life than anybody other than my parents. He was very agitated and upset. I was, I felt angry, based on what I had been told, but I was also feeling upset and sympathy for him. But yeah, I was clear in my own mind, and I hope I was clear was him I was not going to intervene in what was a process that I was not even meant to know about at that stage, let alone have any involvement in.

JH: I think that from his own statement there's quite an agreement between the two of you actually as to what was discussed, and his anger seems to be directed actually at the fact that you wouldn't intervene with anything else, as I understand it. Obviously his interpretation differs from yours, but that's the way I read it. With hindsight, do you think it would have been wiser for you, having made it clear you were not going to intervene, not to have further meetings and telephone conversations with him?

FM: With hindsight, Mr Hamilton, I wish I had never had any discussion with him about it because it has caused me nothing but pain and grief and you know difficulty. But I didn't intend, after that meeting, to have any further discussions with him about it. He then contacted me again, asked me to inform the Permanent... and again, this is somebody who is very close to me, he called me, asked to speak to me. Always at the back of my mind was the view that or the belief that at any point.. Alec is somebody that likes to take control of situations and it was always at the back of my mind that at any moment he might decide to go public on this, and proclaim his innocence, and say he was fighting to clear his name. And when he was trying to speak to me that was always "is that what he is going to tell me?" So

when he contacted me again, turned out it wasn't what he was going to tell me, and he wanted me to tell the Permanent Secretary I knew and ask her to accede to his request at that time for a process of mediation, and I told him flatly I wouldn't do that. And you know he wasn't, he didn't take that particularly well. I then, later, when he next contacted me that was the point at which it was very clear the he was not just talking about taking legal action against the Government in sort of theoretical terms but was very seriously considering that. That was the point at which I decided, notwithstanding my reasons for not telling anyone in government up to that point, which again I'm happy to go through, at that point I had to tell the Permanent Secretary that that was what I was saying to him.

JH: You've explained in your written statement, and I can understand what you are saying there. I mean, was your main reason for seeking him and speaking to him on the telephone on those other occasions, you mentioned at one stage, being afraid of being blindsided and worried that he might do something, resign or whatever? Was that the sole motivation?

FM: Yes, I mean I ...

JH: He seems to be suggesting that you did give him some kind of reason to think that you were thinking about mediation or you know considering his requests et cetera?

FM: So there was, sorry, I interrupted you. I will come on to a point where he seemed to think that I was expressing a view within Government at that point about arbitration. But my motivation, yes, was I have had a residual, you know, he was a friend, colleague, very close to me, he was, and I'm a human being, I guess there was a residual sort of sense of not wanting a complete breakdown in our relationship.

JH: Sure.

FM: But the main motivation was as party leader. I had never any intention of intervening as First Minister, I would not have done that, and I think as you say he is, that's why he is so angry at me I think because I didn't do that. But my motivation for speaking to him on the 7th of June, which was after I told the Permanent Secretary, we were about to have a party conference and I thought he might be trying to corner me informally, so I decided to tell him that I told the Permanent Secretary and again reiterate I wasn't going to intervene. After that, yes, it was "was he going to do something public?" that might lead to the whole thing going public. At the last meeting I had with him, in mid-July, he at that point said to me he believed that was the government, he was seeking a process of arbitration. He had started on mediation and gone on to arbitration. And he had formed a belief, which to this day I don't understand how, whether he was just saying this to try to prompt me to get involved or whether it had come from somewhere, but he had formed a belief that I was the one blocking agreement to arbitration, and that was just not the case. I was not expressing any view because I wasn't involved in the decision making. I told the Permanent Secretary that he has that belief because I didn't want any misapprehension that I was trying to influence something that I didn't have involvement in. And then I spoke to him for the last time, a few days after that, on the telephone where I was trying to be very clear with him that I didn't think this arbitration- not because I had any involvement in it, because all along my view was, rightly or wrongly, whatever he was contesting about the allegations made against him

he was, to me, conceding something very serious and I thought he should engage with the substance not just try to find a procedural way of making it all go away and that's what I was trying to communicate to him, I think, on the, in the last phone call.

JH: But he seems to have taken the view that this was a trick to try and get him into a process that would undermine his judicial review proceeding.

FM: I mean, I read that in the submission to you and what he had, he gives the impression that that was the first time I said that to him and that this was somehow something that the Permanent Secretary and I had cooked up, and it is just nonsense, and what he omits to say is that I had expressed this view to him, to the extent that I was giving him any sort of opinion on this, that- this was not a situation where he was saying this is all just a pack of nonsense and there's no truth in any of this, he was admitting to me something that was in my view deeply inappropriate and a gross abuse of his power as First Minister, and I thought he should engage with the substance of it. The mediation, the arbitration, you know, he will talk about and you know his lawyers obviously were telling him that they thought the process was legally flawed, but these were devices for him to try and make the whole thing go away. And my view is that is not what he should have been doing.

JH: Do I understand that when he talked about arbitration and mediation, he was talking about arbitration of the process of his challenge and judicial review, or was he talking about arbitrating the substance of the complaints against him.

FM: I'm not 100% clear on that, so originally he wanted, and one of the earlier calls, the first phone call I had with him after the first meeting he wanted me to ask the Permanent Secretary to agree to a process of mediation with the ..

JH: which would have involved him and the...

FM: The complainants, presumably.

JH: Yeah.

FM: Now, I don't know...

JH: because subsequently his solicitors wrote a letter saying they had never looked for this, that they were talking you know about arbitrating the way in which his complaints about the process would be dealt with.

FM: My, I've not seen all of the legal correspondence, obviously, so my understanding, and this is only my understanding, that initially his lawyers were seeking a process of mediation between him and the complainers. And then, at a later stage, presumably after this had been rejected, it became a process of arbitration of the process, the concerns about the, what he would have described as the illegalities and the flaws in the process, and that's what arbitration was.

JH: Yes.

FM: But to some extent my answers on this to you are conjecture as I have not- apart from the messages he sent me- I have not seen all of the legal correspondence.

JH: Sure. I haven't seen it either but I have been given a certain amount of it. Can I ask you a question that isn't addressed anywhere. What would have been the political consequences of either you, or indeed the Permanent Secretary, deciding to abandon the procedure and agree to some other process to deal with this?

FM: I think I would be sitting here having this conversation with you but instead of the breaches of the Code that I'm accused of, I would be being accused of intervening, using my relationship with him to interfere in a process that I had no role in and making complaints go away because of who he was and what his connections were. And I think the political ramifications of that, had it unfolded that way, would have been just as big if not bigger and in my view much more legitimate criticism would be getting levelled at me than is the case right now.

JH: I must say, it also occurs to me that any civil servant who decided, who took it upon themselves to settle the action at that point..

FM: yeah

J: ... without allowing it to go to a court would find a lot of difficulty in defending that position, although it was ultimately settled in a different way. That I think is a consideration.

I just wanted to direct you to some of the things that are in Mr Salmond's old statement, yeah, I actually think you've dealt with pretty much all of these things that I'm looking at here. In any event, as I said, I don't think there is really much disagreement that the substance of the discussions you had with him was all about the complaints that he had about the Scottish Government procedure, and trying to set up some kind of arbitration or mediation to deal with it, and not about anything else, but I don't think there's any dispute about that. That I think really covers the things I wanted to ask you about. I don't know if there is anything else that you want to mention or emphasise?

FM: I think on the Ministerial Code aspects, I mean you said earlier on but just to check that you think I have covered enough in my statement as to why I didn't report my contacts with him through the Code? And..

JH: Yes, I understand the difficulty you would have had in notifying the matter in the way that, well, I must say that it is something that I have to look at, as to whether in fact the Code does cover a meeting in those circumstances...

FM: Yeah,

JH: but which is another matter, but even assuming it did, I can understand the difficulty, the dilemma you faced in. That was partly why I asked you whether it would have been wiser, having had the first meeting, not to have had any further ones because I think that dilemma

wouldn't really have existed had there been one meeting where you wouldn't have anticipated exactly what was going to happen.

FM: No, I can appreciate that, which is why I tried to set out clearly the reason for the further contacts.

JH: Yeah.

FM: The next phone call he called me, the next meeting was very much to be clear ahead of us potentially being together for two days at a conference that I was not going to intervene. And then after that it was just about trying to make sure that I wasn't about to be blindsided. All of my interactions, as far as I am concerned, were in my role as party leader, and you know, I never – I felt I discharged my role as First Minister by being clear, and in practice that I was not doing anything to try to influence a process that it would have been deeply inappropriate for me to have done.

JH: Well, under the process that had been agreed that was the procedure, you weren't involved in it, as had been agreed. Okay, well thank you for that.

FM: Thanks.

JH: I don't think there is anything else that I need to ask you at this stage.

FM: Okay, well thank you for that. I appreciate obviously you are taking this on, these are not easy things for anybody to be involved in, I appreciate.

JH: I certainly didn't anticipate any of this when I was originally asked by Alex Salmond to take it on.

FM: No, I imagine that you wouldn't have thought this. Look, I suppose the last point from me is, and I don't know how closely you follow Scottish politics, Mr Salmond is, and it's a matter of great personal, you know, grief to me, he's on a bit of a revenge mission right now. But I suppose my question is, and feel free to tell me you can't answer this, do you have any sense of your timescale for concluding?

JH: I'm near the end of the procedure. Fortunately from my point of view, there are quite a limited number of witnesses to the key events that are my concern, and I've got fairly detailed statements from everybody. I may have one or two more interviews to conduct, and then it's a matter, I think, at that stage of writing, and finishing off a report. I'm conscious that you have an election coming up in May, and so I'm trying to get it done as quickly as I can, essentially, but I don't really want to put a time on it because until you actually get into the process of writing, it's sometimes not easy to anticipate exactly how long it is going to take. But I am conscious I don't want it to run up anywhere close to an election...

FM: Yep.

JH: ... which I think is not fair for anybody.

FM: Thanks. Well, suffice to say, when you finish the process of interviews, if there are any other matters you want clarification on or further information...

JH: It's always possible that something will be raised that I may want to come back to people on. But in fact because I have received very full accounts from all of the people concerned, I think, and it's for me to work out where the contradictions are and how I resolve that, but broadly speaking I've had very good co-operation and a lot of information, so I don't really anticipate it is likely I am going to have to go back to people, I hope not anyway.

FM: Well, I am at your service.

JH: If something unexpected comes out at this stage.

FM: Okay. Great, well I really appreciate your time.

JH: Thanks First Minister. Thank you.

FM: Thank you.

SP evidence session- OR

From: [REDACTED]@gov.scot>
To: James Hamilton <[REDACTED]@[REDACTED]>
Date: Sat, 06 Mar 2021 10:13:03 +0000

Hi James,

I've attached links to the written transcripts of various recent evidence sessions to the Parliament.

FM: [Official Report - Parliamentary Business : Scottish Parliament](#)

Lord Advocate: [Official Report - Parliamentary Business : Scottish Parliament](#)

Alex Salmond: [Official Report - Parliamentary Business : Scottish Parliament](#)

Best wishes,

[REDACTED]

From: [REDACTED]

Sent: 07 March 2021 11:15

To: [REDACTED]

Subject: [REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
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[REDACTED]

[REDACTED]

[REDACTED]

RE: ERDM- filing for Mr Hamilton

From: [REDACTED] <[REDACTED]@gov.scot>
To: [REDACTED] <[REDACTED]@gov.scot>
Date: Sun, 07 Mar 2021 20:34:04 +0000

Hi [REDACTED]

I have the current ERDM file – best to open the new file next to the current one. Please could you just provide me with a title you would like the folder to be named.

Many thanks, [REDACTED]

[REDACTED] | Scottish Government | Cabinet, Parliament and Governance Division | Tel: 0131 244 2071 | email: [REDACTED]@gov.scot

From: [REDACTED]
Sent: 06 March 2021 21:23
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: ERDM- filing for Mr Hamilton

Hi [REDACTED]

Yes, I can set up the file – do you want the file in the same area as the current one? If so, could you send me a link to it. If to be in Cabinet Secretariat's area I will find a suitable place for the file. Could you supply with me a title for the file and will create an ad hoc group with just access given to you and me.

Many thanks, [REDACTED]

[REDACTED] | Scottish Government | Cabinet, Parliament and Governance Division | Tel: 0131 244 2071 | email: [REDACTED]@gov.scot

From: [REDACTED] <[REDACTED]@gov.scot>
Sent: 06 March 2021 15:59
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: ERDM- filing for Mr Hamilton

Hi [REDACTED]

Hope you are well and that things aren't too busy!

I'm giving some thought to how the files for Mr Hamilton will be retained once the investigation is complete. I have been using the existing eRDM file to store documents on the secretariat side, but think I need a separate restricted file which will hold secretariat material only, and will be proper repository for all the non-SG documents once the review is complete. I would like an ad hoc group associated with the file, with you and I as the only members at the moment. Could you make arrangements for this file to be set up?

Happy to discuss.

Best wishes,

[REDACTED]

RE: Private- transcript

From: [REDACTED]@gov.scot>
To: [REDACTED]@gov.scot>
Date: Mon, 08 Mar 2021 19:48:24 +0000

Thanks so much [REDACTED] – appreciate you getting that to me and just want to confirm receipt.

Best wishes
[REDACTED]

[REDACTED] | PS/First Minister | T: [REDACTED] ; [REDACTED]

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.

From: [REDACTED]@gov.scot>
Sent: 08 March 2021 18:30
To: [REDACTED]@gov.scot>
Subject: Private- transcript

Hi [REDACTED]

As discussed, please see attached transcript of the discussion between Mr Hamilton and the First Minister. This has been edited from the verbatim transcript to remove information that might be problematic from a legal perspective, as discussed.

Happy to discuss.

Best wishes,
[REDACTED]